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Attorneys for Defendant
PACIFIC BELL TELEPHONE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

Case No. 2:21-cv-00073-MCE-JDP

**DECLARATION OF NAVI SINGH
DHILLON IN SUPPORT OF
DEFENDANT'S STATUS REPORT**

Judge: Jeremy D. Peterson
Courtroom: 9
Date: N/A
Time: N/A

1 I, Navi Singh Dhillon declare as follows:

2 1. I am a Partner at Paul Hastings LLP and lead counsel for Defendant Pacific Bell
3 Telephone Company (Defendant). I make this declaration in support of Defendant's status report
4 submitted on June 2, 2023. Unless otherwise indicated, I have personal knowledge of the matters
5 set forth below and, if called as a witness, I could and would testify competently thereto.

6 2. Attached as **Exhibit A** is a true copy of the October 2021 expert report prepared by
7 Haley & Aldrich, Inc. summarizing results of its field investigation and water sampling efforts
8 concerning the submarine telecommunications cables at issue in this litigation.

9 3. Attached as **Exhibit B** is a true copy of the Right of Entry Permit issued by the
10 California Department of Parks and Recreation to Defendant on March 24, 2023.

11 4. Attached as **Exhibit C** is a true copy of the letter Defendant submitted to the
12 California Department of Parks and Recreation on May 23, 2023, requesting an extension to the
13 right of entry authorization.

14 I declare under penalty of perjury that the foregoing is true and correct and that this
15 declaration was executed on June 2, 2023, in San Francisco, California.

16
17 By: /s/ Navi Singh Dhillon
NAVI SINGH DHILLON

EXHIBIT A

Investigation shows legacy telecommunications cables are not affecting water quality in Lake Tahoe, California

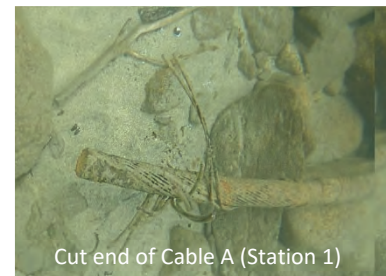
BACKGROUND

In August 2020, AT&T was served a notice claiming two decommissioned submarine telecommunications cables in Lake Tahoe, California, were leaching lead and thus negatively impacting Lake Tahoe's water quality. The cables, one located in Emerald Bay (identified as 'Cable A'), the other along the lake's western shore (identified as 'Cable B') are shown in Figure 1. The cables contain lead within an internal layer that protects the interior copper telecommunications wiring. AT&T hired Haley & Aldrich, Inc. (Haley & Aldrich) to evaluate whether such an impact was occurring and if so, to what extent. As part of its evaluation, Haley & Aldrich conducted a field investigation in March 2021 which consisted of collecting water samples from Lake Tahoe for analysis of lead and other parameters at locations close to and away from the subject cables.



METHODS

Haley & Aldrich identified five locations for sampling lake water, one close to Cable A (Station 1), one close to Cable B (Station 2), and three control stations at various distances away from the cables (Stations 3 through 5). The approximate locations of the sample stations are presented in Figure 2. Stations 1 and 2 were identified as locations where leaching of lead from the cables may be the most significant. Specifically, Station 1 was selected at the eastern, cut end of Cable A where its underlying lead sheathing is in direct contact with lake water. Station 2 was selected following a video survey of Cable B where it spans the entrance to Emerald Bay. The video survey revealed the outer layer of Cable B to be weathered near the location of Station 2.



The three remaining stations, Stations 3 through 5, were selected at the following distances from Stations 1 and 2 for comparison purposes:

- Station 3 is approximately 100 feet northeast of Station 1.
- Station 4 is approximately 600 feet northeast of Station 1.
- Station 5 is near the Tahoe Keys area of South Lake Tahoe, approximately 3.5 miles southeast of Stations 1 and 2.

At Stations 1 and 2, lake water samples were collected at the following depths:

- At cable-depth near the shallow lake bottom, approximately 4 inches away from each cable;
- Approximately 6 inches above each cable (a duplicate sample was also collected at this depth);
- Midway between the lake surface and lake bottom; and
- Approximately 6 inches below the lake surface.

At Stations 3 through 5, lake water samples were collected approximately 1 foot above the lake bottom (a duplicate sample was also collected at this depth at Station 5), and then two additional samples were collected at Station 5, one midway between the lake surface and lake bottom, and one approximately 6 inches below the lake surface.

Field sampling activities were completed aboard Haley & Aldrich's research vessel, R/V Catalyst, on clear, windless days. Under these conditions and with the use of state-of-the-art monitoring, surveying, and point sampling equipment, the sampling team was able to collect precisely located water samples, including samples within a few inches of the subject cables. Specific sample handling protocols, quality assurance/quality control methods, and stringent decontamination procedures were implemented to ensure reliability and usability of field measurements.

Collected water samples were analyzed for total recoverable and dissolved concentrations of lead using Environmental Protection Agency (EPA) standard method 6020B, which provides the lowest achievable detection limits for lead in water.

RESULTS

Analytical results for the collected lake water samples are presented in Figure 3 and indicate the following:

- Lead was not detected in the samples collected nearest the cables (within approximately 4 inches of each cable).
- Lead was not detected in most of the other samples collected from Stations 1 and 2, nor in most of the samples collected at the comparison/control locations away from the cables (Stations 3 through 5).
- In the few samples where lead was detected, at Stations 1, 2, and 5, concentrations were very low, just above the method detection limit of 0.043 micrograms per liter ($\mu\text{g/L}$), but below the method reporting limit of 0.3 $\mu\text{g/L}$, which is considered the lowest concentration of lead in water that can be reliably measured by the analytical laboratory.
- Cumulatively, the analytical results for the samples collected near the cables (at Stations 1 and 2) are consistent with those for the samples collected at the comparison/control locations (Stations 3 through 5).

CONCLUSIONS

The Lake Tahoe field investigation completed by Haley & Aldrich in March 2021 supports the conclusion that the lake's water quality is not adversely impacted by the two legacy telecommunication cables. Analytical results from lake water samples collected during the investigation, using the best available methodologies to achieve the lowest detection limits possible, were largely non-detect for lead, including in the samples collected nearest the subject cables (within approximately 4 inches). In the few collected samples where lead was detected, concentrations were very low (just above the method detection limit) and within the same range regardless of proximity to the subject cables. These results suggest the low lead concentrations detected during the field investigation are characteristic of background levels, not a release from the cables. This is further supported by the similarity of the results to available literature values, such as the levels of lead investigated by Chien et al. (2019) in the center of the lake attributed to atmospheric dry deposition.¹ The similarity of results for the samples collected near the cables with background values (from the comparison/control locations and Chien et al. [2019]) provides strong evidence that lead is not being discharged from the subject cables.

Attachments

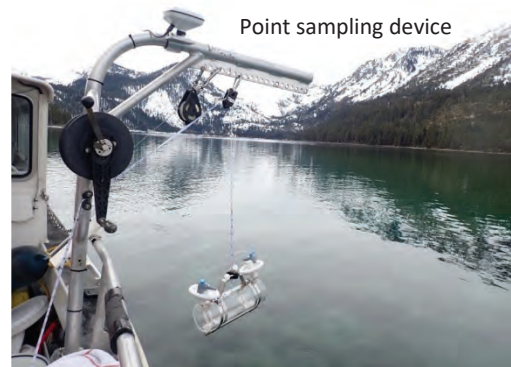
Figure 1: Approximate Locations of Cables A and B

Figure 2: Sample Station Locations

Figure 3: Reported Lead Concentrations



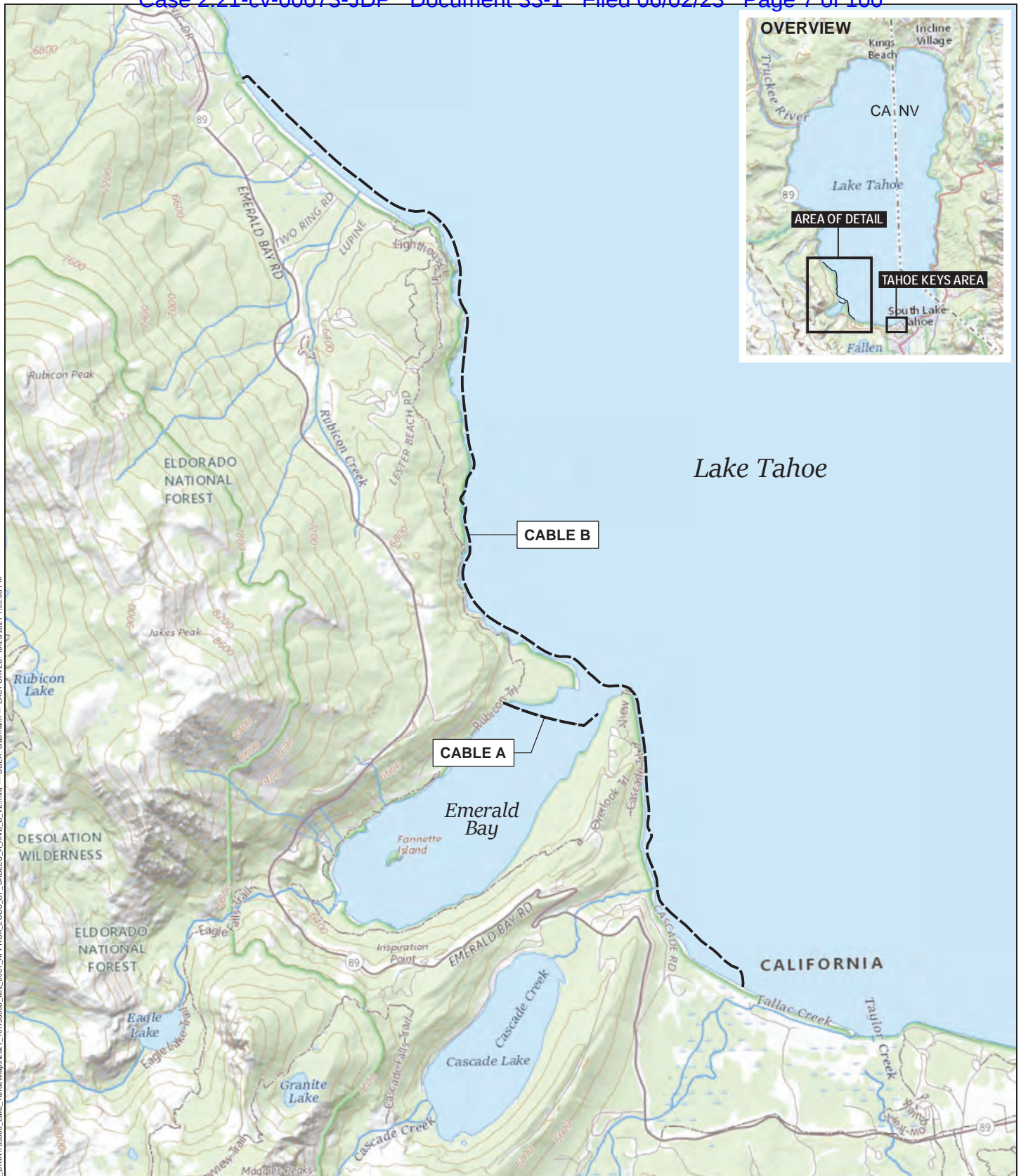
R/V Catalyst: Haley & Aldrich research vessel



Point sampling device

¹ Chien, C.T., B. Allen, N.T. Dimova, J. Yang, J. Reuter, G. Schladow, and A. Paytan. 2019. Evaluation of atmospheric dry deposition as a source of nutrients and trace metals to Lake Tahoe. Chem. Geo. 511: 178-189.

FIGURES



Lake Tahoe

CABLE B

CABLE A

Emerald Bay

CALIFORNIA



0 3,500 7,000
SCALE IN FEET

BASE MAP SOURCE: USGS NATIONAL MAP

**HALEY
ALDRICH**

APPROXIMATE LOCATIONS
OF CABLES A AND B
LAKE TAHOE, CALIFORNIA

OCTOBER 2021

FIGURE 1



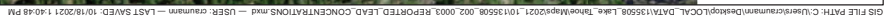


EXHIBIT B

RIGHT OF ENTRY PERMIT

Agency: **Department of Parks and Recreation**
 Sierra District: **Emerald Bay and D. L. Bliss State Parks**
 Project: **AT&T Submerged Telecommunication Cable Removal**

This Right of Entry Permit (Permit) is made and entered into this **24** day of **March, 2023**, between the State of California, acting by and through its Department of Parks and Recreation, hereinafter called State, and **AT&T Corporation** hereinafter called Permittee; State and Permittee may hereinafter be referred to as a Party, or collectively the Parties.

RECITALS

- **Whereas**, the State owns, operates and maintains the State Parks known as **Emerald Bay State Park, D. L. Bliss State Park, and their associated Underwater Parks**, in the County of **El Dorado**, State of California; and
- **Whereas**, Permittee has applied to State for permission to access **Emerald Bay State Park, D. L. Bliss State Park, and their associated Underwater Parks** for purposes of carrying out Permittee's **Request to Remove Submerged Telecommunication Cables and Cap Remaining Cable Ends on Park Property** project (the Project); and
- **Whereas**, the State desires to accommodate Permittee's application for permission to enter **Emerald Bay State Park, D. L. Bliss State Park, and their associated Underwater Parks** for purposes of the Project, as provided herein and as, and to the extent, such Project may be ultimately described, permitted, approved and conditioned by Permittee's **Notice of Exemption (NOE)** environmental document entitled **Issue Right of Way Permit to AT&T to Remove Submerged Cable at Emerald Bay and D.L. Bliss State Parks** and dated the **15 of March, 2023 (SCH # 2023030405)** Environmental Document **Issue Right of Entry Permit to AT&T to Remove Submerged Cable**, attached hereto as Exhibit "A" and herein incorporated by reference, and as may be conditioned by any other regulatory agency having jurisdiction, if applicable.

TERMS AND CONDITIONS

Now therefore, the State by this Permit hereby grants to the Permittee permission to enter upon State's property, conditioned upon the agreement of the Parties that this Permit does not create or vest in Permittee any interest in the real property herein described or depicted, that the Permit is revocable and non-transferable, and that the Permit is further subject to the following terms and conditions:

1. **Project Description:** By this Permit, the State hereby grants to the Permittee permission to enter onto those lands depicted and described on Exhibit "B" (the Property), attached hereto and herein incorporated by this reference, solely for the purpose **of removing two (2) lengths of discontinued submarine telecommunication cables submerged in Lake Tahoe along the shore of Emerald Bay and D. L. Bliss State Parks in the State Park Underwater Parks, and for work on land where AT&T proposes to cut, cap, and bury, the said cables above the high-water line (6,229.1 feet) at five (5) different Cut Point Locations on State Park property, the limits of which are described in the Issue Right of Way Permit to AT&T to Remove Submerged Cable at Emerald Bay and D. L. Bliss State Parks Project Evaluation (PEF) and associated Notice of Exemption (NOE) (SCH # 2023030405).**
2. **Permit Subject to Laws and Regulatory Agency Permits:** This Permit is expressly conditioned upon Permittee's obtaining any and all regulatory permits or approvals required by the relevant regulatory agencies for the Project and Permittee's use of the Property, and upon Permittee's compliance with all applicable municipal, state and federal laws, rules and regulations, including all State Park regulations. Permittee shall, at Permittee's sole cost and expense, comply with the Project Description, requirements, and mitigations contained in the **Issue Right of Way Permit to AT&T to Remove Submerged Cable at Emerald Bay and D. L. Bliss State Parks Project Evaluation (PEF), associated Notice of Exemption (NOE) (SCH # 2023030405) and the CA State Parks Resource Protection Measures described in Exhibit "C."**

Prior to commencement of any work, Permittee shall obtain all such legally required permits or approvals and submit to the State full and complete copies of all permits and approvals, including documentation related to or referenced in such permits and approvals, along with the

corresponding agency contact and telephone numbers, and related California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation as applicable.

3. **Term of Permit:** This Permit shall only be for the period beginning on **May 1, 2023**, and ending on **May 26, 2023**, or as may be reasonably extended by written mutual agreement of the Parties.
4. **Consideration:** Permittee agrees to pay State the sum of **three thousand, three hundred, and fourteen dollars and 20/100 (\$3,314.20)** as consideration for the rights granted by this Permit. Payment is due upon execution of this Permit (Exhibit "D").
5. **Permit Subject to Existing Claims:** This Permit is subject to existing contracts, permits, licenses, encumbrances and claims which may affect the Property.
6. **Waiver of Claims and Indemnity:** Permittee waives all claims against State, its officers, agents and/or employees, for loss, injury, death or damage caused by, arising out of, or in any way connected with the condition or use of the Property, the issuance, exercise, use or implementation of this Permit, and/or the rights herein granted. Permittee further agrees to protect, save, hold harmless, indemnify and defend State, its officers, agents and/or employees from any and all loss, damage, claims, demands, costs and liability which may be suffered or incurred by State, its officers, agents and/or employees from any cause whatsoever, arising out of, or in any way connected with this Permit, exercise by Permittee of the rights herein granted, Permittee's use of the Property and/or the Project for which this Permit is granted, except those arising out of the sole active negligence or willful misconduct of State. Permittee will further cause such indemnification and waiver of claims in favor of State to be inserted in each contract that Permittee executes for the provision of services in connection with the Project for which this Permit is granted.
7. **Contractors:** Permittee shall incorporate the terms, conditions and requirements contained herein when contracting out all or any portion of the work permitted hereunder. Permittee shall be responsible for ensuring contractor/subcontractor compliance with the terms and conditions contained herein. Failure of Permittee's contractors to abide by State's terms and conditions shall constitute default by Permittee (see DEFAULT paragraph below) allowing State to terminate this Permit and seek all legal remedies.
8. **Insurance Requirements:** As a condition of this Permit and in connection with Permittee's indemnification and waiver of claims contained herein, Permittee shall maintain, and cause its contractors to maintain, a policy or policies of insurance as follows:

General Provisions Applying to All Policies

- A. **Coverage Term** – Coverage needs to be in force for the complete term of the contract. If insurance expires during the term of the contract, a new certificate must be received by the State at least ten (10) days prior to the expiration of this insurance. Any new insurance must still comply with the original terms of the contract.
- B. **Policy Cancellation or Termination & Notice of Non-Renewal** – Contractor is responsible to notify the State within five business days before the effective date of any cancellation, non-renewal, or material change that affects required insurance coverage. In the event Contractor fails to keep in effect at all times the specified insurance coverage, the State may, in addition to any other remedies it may have, terminate this Contract upon the occurrence of such event, subject to the provisions of this Contract.
- C. **Deductible** – Contractor is responsible for any deductible or self-insured retention contained within their insurance program.
- D. **Primary Clause** – Any required insurance contained in this contract shall be primary, and not excess or contributory, to any other insurance carried by the State.
- E. **Insurance Carrier Required Rating** – All insurance companies must carry a rating acceptable to the Office of Risk and Insurance Management. If the Contractor is self-insured for a portion or all of its insurance, review of financial information including a letter of credit may be required.
- F. **Endorsements** – Any required endorsements requested by the State must be physically attached to all requested certificates of insurance and not substituted by referring to such coverage on the certificate of insurance.
- G. **Inadequate Insurance** – Inadequate or lack of insurance does not negate the contractor obligations under the contract.

- H. Satisfying an SIR** - All insurance required by this contract must allow the State to pay and/or act as the contractor's agent in satisfying any self-insured retention (SIR). The choice to pay and/or act as the contractor's agent in satisfying any SIR is at the State's discretion.
- I. Available Coverages/Limits** - All coverage and limits available to the contractor shall also be available and applicable to the State.
- J. Subcontractors** - In the case of Contractor utilization of subcontractors to complete the contracted scope of work, contractor shall include all subcontractors as insured's under Contractor and insurance or supply evidence of insurance to The State equal to policies, coverages and limits required of Contractor.

COMMERCIAL GENERAL LIABILITY:

Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State (Exhibit "D"). This insurance shall include personal and advertising injury liability, products and completed operations, and liability assumed under an insured contract. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence. Annual aggregate limit shall not be less than \$2,000,000. **The State of California, its officers, agents, and employees are to be covered as additional insureds with respect to liability arising out of work or operations.**

AUTOMOBILE LIABILITY INSURANCE:

Automobile Liability Insurance covering all owned, non-owned, and hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. **The State of California, its officers, agents, and employees are to be covered as additional insureds with respect to liability arising out of work or operations.**

WORKERS COMPENSATION AND EMPLOYERS LIABILITY:

Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the State of California.**

- 9. Reservation of Rights:** State reserves the right to use the Property in any manner, provided such use does not unreasonably interfere with Permittee's rights herein.
- 10. Access Limits and Conditions:** Access to the Property shall be limited to the access designated by State and described in Exhibit "B."
- 11. Notice of Work:** Any required notices to State shall be sent to the State authorities in charge of **Emerald Bay State Park, D. L. Bliss State Park, and their associated Underwater Parks** named below. At least forty-eight (48) hours prior to any entry upon the Property for any of the purposes hereinabove set forth, Permittee shall provide the State contact[s] named below with written notice of Permittee's intent to enter the Property. Permittee shall also notify the State contact[s] listed below in writing at least forty-eight (48) hours prior to any change in the Project schedule or cessation or completion of work. Should State personnel need to contact Permittee, State shall notify Permittee's contact person listed below:

STATE:

Contact: **Dan Canfield,**
District Superintendent
 District: **Sierra District**
 Address: **P.O. Box 266**
Tahoma, CA 96142
 Telephone: **916-997-8407**
 Email: Dan.Canfield@parks.ca.gov

PERMITTEE'S CONTACT:

Contact: **Torrey Denno**
Area Manager Construction & Engineering
 Address: **1375 Capitol Blvd.**
Reno, NV, 89502
 Telephone: **775-683-5235**
 Email: TD1963@att.com

- 12. Limits of Work:** In no event shall this Permit authorize work in excess or contrary to the terms and conditions of any regulatory agency permit or approval. Under no circumstances, whether or not authorized by any regulatory agency, other permit or any person or entity other than State, shall work exceed that which is authorized by this Permit.
- 13. Public Safety:** If deemed necessary Permittee shall erect orange plastic temporary construction fencing and appropriate signage prior to commencement of work to prevent public access to the construction zone. Permittee shall remove such fencing within two (2) days after the completion of work. Permittee shall take, and shall cause its contractors or subcontractors to take, any and all necessary and reasonable steps to protect the public from harm in connection with the Project or implementation of this Permit.

- 14. Compliance with Project Requirements, Monitoring and Mitigation Measures (if applicable):** Resource monitoring and mitigation measures identified in Exhibit "B" and Exhibit "C" regulatory permits, and the Environmental Document shall be completed in accordance with and to the satisfaction of the District Superintendent or designee.

Permittee's activities conducted under this Permit shall comply with all State and Federal environmental laws, including, but not limited to, the Endangered Species Act, CEQA, and Section 5024 of the Public Resources Code.

Any of Permittee's archaeological consultants working within the boundaries of the Property shall submit a DPR 412A permit application to the District cultural resource specialist for approval prior to commencing any archaeological or cultural investigations of the Property.

Permittee shall immediately advise State's contact person if any new site conditions are found during the course of permitted work. State will advise Permittee if any new historical resources (including archaeological sites), special status species, threatened/endangered species protocols, or other resource issues are identified within the Project site. Permittee shall abide by District Superintendent or designee's instructions to protect the resource(s) during the permitted work or risk revocation of the Permit.

Permittee shall make all excavation activities on the Property available to the State archaeologist for observation and monitoring. During excavation, the State archaeological monitor may observe and report to the State on all excavation activities. State archaeological monitor shall be empowered to stop any construction activities as necessary to protect significant cultural resources from being disturbed.

In the event that previously unknown cultural resources, including, but not limited to, dark soil containing shell, bone, flaked stone, groundstone, or deposits of historic trash are encountered during Project construction by anyone, work will be suspended at that specific location, and the Permittee's work will be redirected to other tasks, until a State archaeologist or professionally qualified designee has evaluated the find and implemented appropriate treatment measures and disposition of artifacts, as appropriate, in compliance with all applicable laws and department resource directives.

If human remains are discovered during the Project, work will be immediately suspended at that specific location and the District Superintendent or designee shall be notified by Permittee. The specific protocol, guidelines and channels of communication outlined by the California Native American Heritage Commission (NAHC), and/or contained in Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.9 et seq., will be followed. Those statutes will guide the potential Native American involvement in the event of discovery of human remains.

If resource monitoring is required to be performed by State staff, the Permittee shall provide a written work schedule to the State at least 48 hours in advance of the work. Permittee shall provide reasonable advance notice of and invite the District Superintendent or designee to any preconstruction meetings with the prime contractor or subcontractors.

- 15. Restoration of Property:** Permittee shall complete the restoration, repair, and revegetation of the Property in consultation with, and to the satisfaction of, the State Environmental Scientist within one (1) year after completion of the Project or the expiration or termination of this Permit, whichever comes first. This obligation shall survive the expiration or termination of this Permit.
- 16. Performance Bond:** No Performance Bond is required by State in order to ensure that Permittee performs and completes its obligations in accordance with the terms of the Permit, Permittee is not required to obtain a Performance Bond.
- 17. Right to Halt Work:** The State reserves the right to halt work and demand mitigation measures at any time, with or without prior notice to Permittee, in the event the State determines that any provision contained herein has been violated, or in the event that cessation of work is necessary to prevent, avoid, mitigate or remediate any threat to the health and safety of the public or state park personnel, or to the natural or cultural resources of the state park.
- 18. Use Restrictions:** The use of the Property by Permittee, including its guests, invitees, employees, contractors and agents, shall be restricted to the daytime hours between sunrise and sunset on a day-by-day basis, unless otherwise approved in advance in writing by State. No person shall use or occupy the Property overnight.

Activities on the Property shall be conducted only in a manner which will not interfere with the orderly operation of the state park. Permittee shall not engage in any disorderly conduct and shall not maintain, possess, store or allow any contraband on the Property. Contraband includes, but is not limited to: any illegal alcoholic beverages, drugs, firearms, explosives and weapons.

Permittee shall not use or allow the Property to be used, either in whole or in part, for any purpose other than as set forth in this Permit, without the prior written consent of the State.

- 19. State's Right to Enter:** At all times during the term of this Permit and any extension thereof, there shall be and is hereby expressly reserved to State and to any of its agencies, contractors, agents, employees, representatives, invitees or licensees, the right at any and all times, and any and all places, to temporarily enter upon said Property to survey, inspect, or perform any other lawful State purposes.

Permittee shall not interfere with State's right to enter.

- 20. Protection of Property:** Permittee shall protect the Property, including all improvements and all natural and cultural features thereon, at all times at Permittee's sole cost and expense, and Permittee shall strictly adhere to the following restrictions:
- (a) Permittee shall not place or dump garbage, trash or refuse anywhere upon or within the Property, except in self-contained trash receptacles that are maintained to State's satisfaction by Permittee.
 - (b) Permittee shall not commit or create, or suffer to be committed or created, any waste, hazardous condition or nuisance in, on, under, above or adjacent to the Property.
 - (c) Permittee shall not cut, prune or remove any vegetation upon the Property, except as identified in the Project description and herein permitted or subsequently approved in writing by the District Superintendent.
 - (d) Permittee shall not disturb, move or remove any rocks or boulders upon the Property, except as identified in the Project description and herein permitted or subsequently approved in writing by the District Superintendent.
 - (e) Permittee shall not grade or regrade, or alter in any way, the ground surface of the Property, except as herein permitted, or subsequently approved in writing by the District Superintendent.
 - (f) Permittee shall not bait, poison, trap, hunt, pursue, catch, kill or engage in any other activity which results in the taking, maiming or injury of wildlife upon the Property, except as identified in the Project description and herein permitted or subsequently approved in writing by the District Superintendent.
 - (g) Permittee shall not use, create, store, possess or dispose of hazardous substances (as defined in the California Hazardous Substances Act) on the Property except as herein permitted, or subsequently approved in writing by the District Superintendent.
 - (h) Permittee shall exercise due diligence to protect the Property against damage or destruction by fire, vandalism and any other causes.
- 21. Default:** In the event of a default or breach by Permittee of any of the terms or conditions set forth in this Permit, State may at any time thereafter, without limiting State in the exercise of any right of remedy at law or in equity which State may have by reason of such default or breach:
- (a) Maintain this Permit in full force and effect and recover the consideration, if any, and other monetary charges as they become due, without terminating Permittee's right to use of the Property, regardless of whether Permittee has abandoned the Property; or
 - (b) Immediately terminate this Permit upon giving written notice to Permittee, whereupon Permittee shall immediately surrender possession of the Property to State and remove all of Permittee's equipment and other personal property from the Property. In such event, State shall be entitled to recover from Permittee all damages incurred or suffered by State by reason of Permittee's default, including, but not limited to, the following:
 - (i) any amount necessary to compensate State for all the detriment proximately caused by Permittee's failure to perform its obligations under this Permit, including, but not limited to, compensation for the cost of restoration, repair and revegetation of the Property,

which shall be done at State's sole discretion and compensation for the detriment which in the ordinary course of events would be likely to result from the default; plus

- (ii) at State's election, such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time by applicable law.

- 22. State's Right to Cure Permittee's Default:** At any time after Permittee is in default or in material breach of this Permit, State may, but shall not be required to, cure such default or breach at Permittee's cost. If State at any time, by reason of such default or breach, pays any sum or does any act that requires the payment of any sum, the sum paid by State shall be due immediately from Permittee to State at the time the sum is paid. The sum due from Permittee to State shall bear the maximum interest allowed by California law from the date the sum was paid by State until the date on which Permittee reimburses State.
- 23. Revocation of Permit:** The State shall have the absolute right to revoke this Permit for any reason upon ten (10) days written notice to Permittee. Written notice to Permittee may be accomplished by electronic or facsimile transmission, and the notice period set forth in this paragraph shall begin on the date of the electronic or facsimile transmission, or, if sent by mail, on the date of delivery. If Permittee is in breach of the Permit or owes money to the State pursuant to this Permit, any prepaid monies paid by Permittee to State shall be held and applied by the State as an offset toward damages and/or amounts owed. Nothing stated herein shall limit the State's exercise of its legal and equitable remedies.
- 24. Recovery of Legal Fees:** In any action brought to enforce or interpret any provisions of this Permit or to restrain the breach of any agreement contained herein, or for the recovery of possession of the Property, or to protect any rights given to the State against Permittee, and in any actions or proceedings under Title 11 of the United States Code, if the State shall prevail in such action on trial or appeal, the Permittee shall pay to the State such amount in attorney's fees in said action as the court shall determine to be reasonable, which shall be fixed by the court as part of the costs of said action.
- 25. Voluntary Execution and Independence of Counsel:** By their respective signatures below, each Party hereto affirms that they have read and understood this Permit and have received independent counsel and advice from their attorneys with respect to the advisability of executing this Permit.
- 26. Reliance on Investigations:** Permittee declares that it has made such investigation of the facts pertaining to this Permit, the Property and all the matters pertaining thereto as it deems necessary, and on that basis accepts the terms and conditions contained in this Permit. Permittee acknowledges that State has made, and makes, no representations or warranties as to the condition of the Property, and Permittee expressly agrees to accept the Property in its as-is condition for use as herein permitted.
- 27. Entire Agreement:** The Parties further declare and represent that no inducement, promise or agreement not herein expressed has been made to them and this Permit contains the entire agreement of the Parties, and that the terms of this agreement are contractual and not a mere recital.
- 28. Warranty of Authority:** The undersigned represents that they have the authority to, and do, bind the person or entity on whose behalf and for whom they are signing this Permit and the attendant documents provided for herein, and this Permit and said additional documents are, accordingly, binding on said person or entity.
- 29. Assignment:** This Permit shall not be assigned, mortgaged, hypothecated, or transferred by Permittee, whether voluntarily or involuntarily or by operation of law, nor shall Permittee let, sublet or grant any license or permit with respect to the use and occupancy of the Property or any portion thereof, without the prior written consent of State.
- 30. Choice of Law:** This Permit will be governed and construed by the laws of the State of California.

STATE OF CALIFORNIA

Department of Parks and Recreation

DocuSigned by:
By: Dan Canfield 3/24/2023
Name: 2276737EFF82491... Dan Canfield, Dan.Canfield@parks.ca.gov
Title: District Superintendent, Sierra District
Address: Box 266, Tahoma, CA 96142; 916-997-8407

AT&T

DocuSigned by:
By: Torrey Dennis 3/24/2023
Name: 2106EBCA42284F5... , D1963@att.com
Title: Area Manager Construction & Engineering
Address: 1375 Capitol Blvd., Reno NV, 89502; 775-683-5235

Exhibit - A

CA State Parks Environmental Documents

- CA State Clearinghouse (SCH) Summary
- Notice of Exemption (NOE)
- Project Evaluation Form (PEF)

May 23, 2023 Changes:

A few changes were made between the filing of the NOE and the signing of the ROE. These elements are crossed out in this document with red lines.

1. Date of the project is now expected to take place May 1 through May 26, 2023, Monday - Friday, for a total of 20 potential work days.
2. The Cable Maintenance and Inspection Plan requirement has been removed.
3. One new map was added to Exhibit B that includes AT&T Submarine Cable Removal Notes

Issue Right of Entry Permit to AT&T to Remove Submerged Cable

Summary

SCH Number	2023030405
Public Agency	California Department of Parks and Recreation
Document Title	Issue Right of Entry Permit to AT&T to Remove Submerged Cable
Document Type	NOE - Notice of Exemption
Received	3/15/2023
Posted	3/15/2023
Document Description	<p>Issue a Right of Entry (ROE) Permit to AT&T to D.L. Bliss State Park and Emerald Bay State Park to remove and cap two (2) lengths of discontinued telecommunication cables submerged in Lake Tahoe, offshore of the parks. This Right of Entry (ROE) permit is for access and work on State Park property where AT&T proposes to cut and cap the cables above the high-water line (6,229.1-ft), as well as for work in the State Park Underwater Parks where the cable will be removed. Access to all work locations will be via barge, all sections of submerged cut cables will be removed via barge, and there will be no equipment staging of any kind on State Park property.</p>

The first cable is approx. six (6) miles long and comes up on shore a total of five (5) times; four (4) of which are on State Park property. This cable will have two (2) Cut Points in each park, for a total of four (4) Cut Points. The second cable, across the mouth of Emerald Bay, will also be cut and capped above the high-water line; for up to two (2) additional Cut Points.

All work conducted in association with the ROE will comply with all State and Federal environmental laws, including but not limited to the Endangered Species Act, CA Environmental Quality Act (CEQA), Section 5024 of the Public Resources Code, Tahoe Regional Planning Agency Initial Environmental Checklist, Lahontan Regional Water Quality Board Order No. R6T-2022-0051 and NOE for in-water work, CA Dept. of Fish and Wildlife Streambed Alteration Agreement, and CA State Lands Commission Amendment No1 of Lease PRC 1579.

All work will be in coordination with State Parks Environmental Scientists and State Parks Archaeologists and all resource and cultural protection measures will be followed.

Contact Information

Name	Silver Hartman
Agency Name	CA Department of Parks and Recreation

Job Title

Environmental Coordinator

Case 2:21-cv-00073-JDP Document 33-1 Filed 06/02/23 Page 19 of 100

Contact Types

Lead/Public Agency

AddressP.O. Box 266
Tahoma, CA 96142**Phone**

(530) 525-9533

Email

silver.hartman@parks.ca.gov

Location

Cities	South Lake Tahoe
Counties	El Dorado
Regions	Northern California
Cross Streets	n/a
Zip	n/a
Total Acres	<1
Parcel #	multiple
State Highways	89
Railways	n/a
Airports	n/a
Schools	n/a
Waterways	Lake Tahoe and Emerald Bay
Township	13N
Range	17E

Notice of Exemption

Exempt Status	Categorical Exemption
Type, Section or Code	15304 and 15305
Reasons for Exemption	Project consists of minor public alteration in the condition of land, water and/or vegetation which does not involve removal of healthy, mature, scenic trees for forestry purposes; and minor alteration in land use limitations in areas with an average slope of less than 20 percent, which does not result in any changes in land use or density, and is included as “issuance of permits” in the Department of Parks and Recreation’s list of exempt activities in accordance with CCR § 15300.4.
County Clerk	El Dorado

Attachments

Case 2:21-cv-00073-JDP Document 33-1 Filed 06/02/23 Page 20 of 100

Notice of Exemption

ATT Line Removal NOE 3-15-2023

PDF

176 K

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at [\(916\) 445-0613](tel:(916)445-0613). For more information, please visit [OPR's Accessibility Site](#).

CEQA # 13800

District Project # 300-2023-01

**State of California – Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION****NOTICE OF EXEMPTION****TO:** Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814**FROM:** Department of Parks and Recreation
Sierra District
P.O. Box 299
Tahoma, CA 96141**PROJECT TITLE:** Issue Right of Entry Permit to AT&T to Remove Submerged Cable**LOCATION:** D.L. Bliss State Park and Emerald Bay State Park **COUNTY:** El Dorado

DESCRIPTION OF THE NATURE AND PURPOSE OF PROJECT: Issue a Right of Entry (ROE) Permit to AT&T to D.L. Bliss State Park and Emerald Bay State Park to remove and cap two (2) lengths of discontinued telecommunication cables submerged in Lake Tahoe, offshore of the parks. This Right of Entry (ROE) permit is for access and work on State Park property where AT&T proposes to cut and cap the cables above the high-water line (6,229.1-ft), as well as for work in the State Park Underwater Parks where the cable will be removed. Access to all work locations will be via barge, all sections of submerged cut cables will be removed via barge, and there will be no equipment staging of any kind on State Park property.

The first cable is approx. six (6) miles long and comes up on shore a total of five (5) times; four (4) of which are on State Park property. This cable will have two (2) Cut Points in each park, for a total of four (4) Cut Points. The second cable, across the mouth of Emerald Bay, will also be cut and capped above the high-water line; for up to two (2) additional Cut Points.

All work conducted in association with the ROE will comply with all State and Federal environmental laws, including but not limited to the Endangered Species Act, CA Environmental Quality Act (CEQA), Section 5024 of the Public Resources Code, Tahoe Regional Planning Agency Initial Environmental Checklist, Lahontan Regional Water Quality Board Order No. R6T-2022-0051 and NOE for in-water work, CA Dept. of Fish and Wildlife Streambed Alteration Agreement, and CA State Lands Commission Amendment No1 of Lease PRC 1579.

All work will be in coordination with State Parks Environmental Scientists and State Parks Archaeologists and all resource and cultural protection measures will be followed.

PUBLIC AGENCY APPROVING THE PROJECT: California Department of Parks and Recreation**NAME OF DIVISION OR DISTRICT CARRYING OUT THE PROJECT:** Sierra District**EXEMPT STATUS:**☒ Categorical Exemption

Class: 4 and 5

Section: 15304 and 15305

REASONS WHY PROJECT IS EXEMPT: Project consists of minor public alteration in the condition of land, water and/or vegetation which does not involve removal of healthy, mature, scenic trees for forestry purposes; and minor alteration in land use limitations in areas with an average slope of less than 20 percent, which does not result in any changes in land use or density, and is included as "issuance of permits" in the Department of Parks and Recreation's list of exempt activities in accordance with CCR § 15300.4.

CONTACT: Silver Hartman
Sierra District**PHONE NO.:** (530) 525-9533**EMAIL:** Silver.Hartman@parks.ca.govDocuSigned by:

3/15/2023

2276737EFF82491...
Dan Canfield, District Superintendent
Sierra District

DATE

EXHIBIT B - PEF

Project Evaluation Form (PEF) and:

A. Maps:

- USGS
- AT&T Cut Locations
- Wildlife Bald Eagle Nest Buffer Map
- Wildlife Peregrine Falcon Nest Buffer Map

B. Photo Excerpts From:

1. PLAN SET B – Cut Location Photo Log, pages 2-5
2. PLAN SET C – Staging Area
3. Biological Survey Report, pages 25-30
4. Rare Plant Survey for Tahoe Yellow Cress, pages 8 and 11-15

C. Weed Prevention BMP Checklist

D. AT&T ROE Request Forms

E. AT&T Insurance Liability Paperwork

~~F. Cable Maintenance and Inspection Plan (yet to be provided)~~

PROJECT EVALUATION (PEF)

PCA No. N/A

PROJECT CONCEPT		
PROJECT TITLE Issue Right of Entry Permit to AT&T to Remove Submerged Cable at Emerald Bay and D.L. Bliss State Parks		PARK UNIT NAME Emerald Bay and D.L. Bliss State Parks
DISTRICT NAME Sierra District		FACILITY NO.
PROJECT MANAGER Silver Hartman	PHONE NO. 530-525-9533	EMAIL Silver.Hartman@parks.ca.gov
DISTRICT PROJECT MANAGER Dan Canfield	PHONE NO. 530-525-9523	EMAIL Dan.Canfield@parks.ca.gov
PROJECT BID DATE n/a	CONSTRUCTION START DATE 3/15/2023	FUNDING SOURCE AT&T
PROJECT DESCRIPTION <i>Identify the <u>scope of the project in detail, including its purpose, location, and potential impacts</u>. If the ground is to be disturbed, <u>describe the depth and extent of excavation</u>. <u>Describe the existing site conditions</u>, including previous development. <u>Note if work will impact or extend beyond park property</u>. <u>Indicate if work will be done in conjunction with, or as part of, other projects</u>. (Use additional pages if necessary.)</i> AT&T proposes to remove two (2) lengths of discontinued submarine telecommunication cables submerged in Lake Tahoe along the shore of Emerald Bay and D. L. Bliss State Parks (EXHIBIT B, AT&T PLAN SET – Permit Drawings, and Appendices A-G). This Right of Entry (ROE) permit is for access and work on State Park property where AT&T proposes to cut and cap the said cables above the high-water line (6,229.1 feet), as well as for work in the State Park Underwater Parks where the cable will be removed. All Best Management Practices (BMP) and Condition Measures provided by AT&T as well as those provided by all other permitting agencies will be followed. All legal and permitting compliance including the CA Environmental Quality Act (CEQA) is the responsibility of AT&T and their contractors. In addition to outside regulatory requirements, Parks will require compliance with the RESOURCE PROTECTION MEASURES (attached). See attached project background and CA State Parks Resource Protection Measures document.		

Project ID No. _____

PCA No. _____

PROJECT EVALUATION (PEF)**DOCUMENTS ATTACHED**

- ☒ 7.5 minute (quad) map of project area (**Required**)
- ☒ Site Map (**Required** - Scale should show relationship to existing buildings, roads, landscape features, etc.)
- ☒ DPR 727 Accessibility Review and Comment Sheet (**Required** – Attach DPR 727 or emailed project exemption from the Accessibility Section.)
- ☐ Sea-level Rise Worksheet (for coastal park units)
- ☒ Graphics (Specify - photos, diagrams, drawings, cross-sections, etc.): **PLAN SET Permit Drawings, PLAN SET Appendices A-D,**
- ☒ Other (Specify): **EXHIBIT B (Maps, Photo Excerpts, Weed Prevention BMP Checklist, ROE Request Forms, AT&T Insurance Liability, Cable Maintenance, and Inspection Plan), and Appendices E-G**

REGULATORY REQUIREMENTS**IS AN APPLICATION, PERMIT, OR CONSULTATION REQUIRED?**

YES MAYBE NO CONTACT

Coastal Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DFG Stream Alteration Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State & Federal Endangered Species Consultation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corps of Engineers 404 Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RWQCB or NPDES Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DPR Right to Enter or Temporary Use Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRC 5024 Review	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stormwater Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Encroachment Permit (Specify Agency):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Native American Consultation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify): TRPA Initial Environmental Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS: See Attached Permits:

- Tahoe Regional Protection Agency (TRPA): Permit and Initial Environmental Checklist
- Lahontan Regional Water Quality Control Board (LRWQCB): Section 401 Water Quality Certification and NOE for in-water work
- CA Dept. of Fish and Wildlife (CDFW): Streambed Alteration Agreement
- CA State Lands Commission (CSLC): Amendment No1 of Lease PRC 1579,
- Army Corps of Engineers (ACOE): 404 permit (yet to be provided)
- United States Forest Service (USFS): (yet to be provided)

State Parks has not yet received the ACOE permit from ATT. This permit will be available upon request from ATT when complete. Contact R3X Group Project Manager, Sammy Rodriguez, at (254) 723-0013 or by email at sammy@r3xgroup.com.

Project ID No. _____

PCA No. _____

PROJECT EVALUATION (PEF)**DEPARTMENT POLICY COMPLIANCE**

HAS A GENERAL PLAN BEEN APPROVED FOR THE UNIT?

YES NO

If YES, is the project consistent with the GP?

If NO, what is the project justification?

Is it a temporary facility? (No permanent resource commitment)

Health and Safety?

Is it a Resource Management Project?

Is it repairing, replacing, or rehabilitating an existing facility?

IS THE PROJECT WITHIN A CLASSIFIED SUBUNIT?

Natural Preserve

Cultural Preserve

State Wilderness

IS THE PROJECT CONSISTENT WITH THE DEPARTMENT'S CULTURAL
RESOURCE MANAGEMENT DIRECTIVES?IS THE PROJECT CONSISTENT WITH THE DEPARTMENT'S OPERATIONS
MANUAL CHAPTER 0300?

COMMENTS: None

DocuSigned by:

DISTRICT SUPERINTENDENT
Dan Canfield

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DEPT APPROVAL OR DESIGNEE

TITLE

District Superintendent II

DATE

3/15/2023

RESOURCES*Explain all 'Yes' or 'Maybe' answers in the "Evaluation and Comments" section
(reference by letter and number). Attach additional pages, if necessary.*

YES MAYBE NO

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A. EARTH – WILL THE PROJECT:

1. Create unstable soil or geologic conditions?
2. Adversely affect topographic features?
3. Adversely affect any unusual or significant geologic features?
4. Increase wind or water erosion?
5. Adversely affect sand deposition or erosion of a sand beach?
6. Expose people, property, or facilities to geologic hazards or hazardous waste?
7. Adversely affect any paleontological resource?

YES MAYBE NO

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. AIR – WILL THE PROJECT:

1. Adversely affect general air quality or climatic patterns?
2. Introduce airborne pollutants that may affect plant or animal vigor or viability?
3. Increase levels of dust or smoke?
4. Adversely affect visibility?

YES MAYBE NO

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

C. WATER – WILL THE PROJECT:

1. Change or adversely affect movement in marine or fresh waters?
2. Change or adversely affect drainage patterns or sediment transportation rates?
3. Adversely affect the quantity or quality of groundwater?
4. Adversely affect the quantity or quality of surface waters?
5. Expose people or property to flood waters?
6. Adversely affect existing or potential aquatic habitat(s)?

Project ID No. _____

PCA No. _____

PROJECT EVALUATION (PEF)

YES	MAYBE	NO	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D. PLANT LIFE – WILL THE PROJECT:
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Adversely affect any native plant community?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Adversely affect any unique, rare, endangered, or protected plant species?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Introduce a new species of plant to the area?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Adversely affect agricultural production?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Adversely affect the vigor or structure of any tree?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Encourage the growth or spread of alien (non-native) species?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Interfere with established fire management plans or practices?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E. ANIMAL LIFE – WILL THE PROJECT:
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Adversely affect any native or naturalized animal population?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Adversely affect any unusual, rare, endangered, or protected species?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Adversely affect any animal habitat?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Introduce or encourage the proliferation of any non-native species?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	F. CULTURAL RESOURCES – WILL THE PROJECT:
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Adversely affect a prehistoric or historic archeological site, or tribal cultural resource?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Adversely affect a prehistoric or historic building, structure, or object?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Cause an adverse physical or aesthetic effect on an eligible or contributing building, structure, object, or cultural landscape?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Diminish the informational or research potential of a cultural resource?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Increase the potential for vandalism or looting?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Disturb any human remains?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Restrict access to a sacred site or inhibit the traditional religious practice of a Native American community?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	G. AESTHETIC RESOURCES – WILL THE PROJECT:
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Adversely affect a scenic vista or view?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Significantly increase noise levels?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Adversely affect the quality of the scenic resources in the immediate area or park-wide?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Create a visually offensive site?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Be incompatible with the park design established for this unit or diminish the intended sense of "a special park quality" for the visitor?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H. RECREATIONAL RESOURCES – WILL THE PROJECT:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Be in a public use area?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Have an adverse effect on the quality of the intended visitor experience?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Have an adverse effect on the quality or quantity of existing or future recreational opportunities or facilities?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Have an adverse effect on the accessibility of recreational facilities (e.g., ADA requirements)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I. SEA-LEVEL RISE AND EXTREME EVENTS (COASTAL UNITS ONLY):
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Has this project been evaluated for potential impacts from sea-level rise, coastal storm surge, and other extreme events, using the Department's Sea-Level Rise and Extreme Events Guidance Document or an equivalent process? <i>Please attach the Sea-Level Rise Worksheet (provided in the guidance document) or other detailed evaluation.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Based on the evaluation described above, will the project be adversely impacted by frequent flooding or permanent inundation during its expected lifetime?
<input checked="" type="checkbox"/> Non-coastal unit			

Project ID No. _____

PROJECT EVALUATION (PEF)

PCA No. _____

EVALUATION AND COMMENTS

In addition to the RESOURCE PROTECTION MEASURES outlined in the Parks Project Evaluation Form (PEF), Notice of Exemption (NOE), and the Right of Entry Permit (ROE) AT&T will comply with all regulatory permits and agreements (APPENDIX E – Survey Reports and APPENDIX F - Permits).

- A. EARTH (5): To prevent erosion to the shoreline, AT&T will restore all disturbed substrate to original compaction and grade and blend with existing topography per Parks' approval. If moved during earthwork, displaced boulders shall be returned to their original location per Parks' final approval. No plastics will be used in any BMP materials left onsite.

Maintenance and Safety Inspection Plan removed from ROE requirements.

~~EARTH (6): To ensure that potential future soil contamination is detected, and that public health and safety standards are met for future generations of Park visitors, AT&T will provide, in writing, intent to maintain and inspect all Cut Locations on Park property for as long as the cables remain in place. The Maintenance and Safety Inspection plan is dependent upon Park approval and will include:~~

- ~~○ A description of inspection methods, lead testing procedures, and decontamination protocols.~~
- ~~○ A monthly/yearly inspection schedule for the Cut Locations on Park property.~~
- ~~○ Proposed access routes to inspection sites.~~
- ~~○ Lead soil testing protocols that will detect (if present) lead leakage into the soil through the 3M shrink caps or other damaged/weak points in the cable.~~
- ~~○ An annual report to Parks that includes all inspection logs and test results by location.~~
- ~~○ Protocol for decontamination that includes contacting Parks immediately with the location and scale of the contamination.~~

- AIR (2): To prevent the introduction of airborne pollutants, the cable will be kept wet during cutting operations. Approximately five (5) gallons of lake water may be used at each Cut Location for this purpose. A container will be placed below the cable to collect wastewater and particulates generated from the cutting operations. The wastewater and particles generated from the cutting operations will be properly secured in a container, removed via barge, and disposed of according to local, state, and federal regulations. Occupational Safety and Health Administration (OSHA) standards will be met at all times and if conditions are not suitable for meeting all OSHA requirements, then work will cease.
- WATER (6): To avoid adverse effects to the waters of Lake Tahoe the cable will be cut with a reciprocating saw above the high-water line (on land). No cutting will occur within the lake. Procedures for eliminating the release of lead to land or water will be followed. A monitor will observe the operation underwater and collect cable fragments that fall into the lakebed and a technician on the barge will skim fragments from the surface. All collected cable fragments will be disposed into a container onboard the barge. A technician will monitor plume events through visual observation and a turbidity meter. All of the wastewater and particles generated from the cutting operations will be containerized, removed via barge, and disposed of according to local, state, and federal regulations.

AT&T will conduct water sampling at all Cut Locations adjacent to Park property (Cut Locations 2-5 and A-B). At Cut Locations 2-5 and A-B: sample, before, during, and after the cable is cut and provide sample results, turbidity logs, and Chain of Custody to Parks on the day of sampling (**required**). Additionally, Parks recommends that AT&T conducts water sampling in open water between Cut Locations (where the cable is being spooled onto the barge) to ensure no lead is being released by the spooling process.

- PLANT LIFE (1, 5): The Biological Survey Report documents the terrestrial vegetation communities found at each Cut Location. Habitat types at the terrestrial locations where work will occur consist primarily of bare boulder areas below the high-water line (6,229.1 feet). Above the high-water line, habitats consist of scrub and forest with a variety of perennial and annual species. Although the occurrence of vegetation at the Cut Locations is minimal, vegetation will be protected and left undisturbed whenever possible. No trees will be removed.

PLANT LIFE (2): As identified in the Tahoe yellow cress (TYC) Survey Report, there are two (2) known TYC populations adjacent to project disturbance areas; one of which is at D.L. Bliss State Park (Cut Location 4). If any additional TYC plants are observed during the preconstruction survey, all avoidance measures will be

Project ID No. _____

PROJECT EVALUATION (PEF)

PCA No. _____

implemented. To protect TYC, all known and newly discovered TYC individuals and/or populations will be avoided and remain undisturbed. An onsite qualified biological monitor will be present during all earthwork at sites with TYC. At Cut Location 4, a plastic tarp will be temporarily placed over known locations where plants were observed in order to prevent any soil or other material from falling onto the area and covering or burying plants and or seeds during earthwork activities. As soon as earthwork is complete, the tarp will be removed and properly disposed of offsite.

PLANT LIFE (3, 6) To prevent invasive plant seed dispersal, and potential introduction of new invasive species, all tools and equipment will be inspected and made clean and free of soil and plant material prior to entering the project area (Weed Prevention BMP Checklist). To prevent the spread of AIS, all watercraft must be inspected prior to entering the waters of Lake Tahoe. All watercraft with ballasts will be decontaminated prior to launching.

- ANIMAL LIFE (1, 2): Bald eagle (CA Endangered Species): Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if the bald eagle nest is active. If there is an active bald eagle nest within ½ mile of any of the Cut Locations, then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.

Peregrine falcon and osprey (CA Species of Special Concern): Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if there are any active peregrine falcon or osprey nests in the project area. If the project is within ¼ mile of an active nest then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.

- CULTURAL RESOURCES (1, 2, 3, 4, 6): AT&T will adhere to all conditions described in Archaeological Survey Report including archaeological monitoring of all earth disturbances of the Cut Locations and all Lake Tahoe/Emerald Bay potential substrate disturbances during the course of the extraction of the cables. If the project Archaeologist finds evidence of potentially significant historical/archaeological/tribal resources (human remains, Native American artifacts, shell, concentrations of bottle glass or ceramics, submerged boats/vessels/objects, and submerged tree trunks that could be indicative of the Mid-Holocene, etc.), then the CA State Park Archaeologist, Scott Green, will be contacted immediately and work be suspended until identification and proper treatment are determined and implemented. Contact Scott Green (530) 523-3527, or by email at Scott.Green@parks.ca.gov. *Between the filing of the NOE and the signing of the ROE the dates of the project were changed to May 1- 26 with 20 expected work days Monday - Friday.*
- AESTHETIC RESOURCES (1, 2, 3): Project work is scheduled to take place in spring, which is typically, still the off season at Emerald Bay and D. L. Bliss State Parks, and as a result, this project will likely not cause recreational impacts. Work is expected to take ~~sixteen days (16) between March 27 and May 1, 2023.~~ All noise and interruptions to scenic views will be temporary. If work cannot be completed in this time window, AT&T will request, in writing, an extension of the ROE for October of 2023. At that time Parks will re-evaluate the need for additional condition measures if needed to accommodate the busier time of year. Visitor information methods such as signage and/or a press release may be required to inform visitors of the project.
- RECREATIONAL RESOURCES (1, 2): Work will take place in unofficial public use areas of the lake and the shoreline. However, no work will take place on or near Park roads or trails. As stated in G. AESTHETIC RESOURCES: Project work is scheduled to take place in spring, which is typically, still the off season at Emerald Bay and D. L. Bliss State Parks, and as a result, this project will likely not cause any recreational impacts. ~~Work is expected to take sixteen days (16) between March 27 and May 1, 2023.~~ All noise and interruptions to scenic views will be temporary. If work cannot be completed in this time window, AT&T will request, in writing, an extension of the ROE for October of 2023. At that time Parks will re-evaluate the need for additional condition measures if needed to accommodate the busier time of year. Visitor information methods such as signage and/or a press release may be required to inform visitors of the project.

Project ID No. _____

PCA No. _____

PROJECT EVALUATION (PEF)**ENVIRONMENTAL REVIEW**

*To Be Completed by Qualified Specialist(s) ONLY.
Attach additional reviews or continuation pages, as necessary.*


TRIBAL LIAISON COMMENTS AND SIGNATURE (REQUIRED FOR ALL FINDINGS)

- ☒ Reviewer is Designated District/Service Center/Division **Tribal Liaison or Designee**
☐ NAHC Listed Tribe(s) contacted (attach correspondence record for contact and findings)
☐ DN 2007-05 Tribal Consultation Only
☐ AB52 Consultation Initiated

Findings:

- ☒ Project action does not have potential to affect "tribal cultural" resources (explain)
Check more than one box if tribes provide differing responses, and describe all consultations below.
☐ Tribe(s) did not respond
☐ Tribe(s) approved project as written
☐ Tribe(s) approved project with treatments or conditions
☐ Tribe(s) and DPR unable to reach mutual agreement on project treatments or conditions

Explain This project does not have the potential to affect any known tribal resources. If any inadvertently discovered tribal resources are located the Sierra District Tribal Contact will be contacted immediately.


SIGNATURE 	DocuSigned by: Scott Green	PRINTED NAME Scott Green
	TITLE Associate State Archaeologist	DATE 3/13/2023

ARCHEOLOGIST COMMENTS AND SIGNATURE (REQUIRED FOR ALL FINDINGS)**Findings:**

- ☒ No PRC 5024 necessary (provide justification)
☐ PRC 5024 attached; project approved as written
☐ PRC 5024 attached, conditions necessary
☐ PRC 5024 attached, mitigations and/or potential significant impacts

Explain

ATT will adhere to all conditions described in the ATT Project A020LET Archaeological Survey Report including archaeological monitoring of all earth disturbances of the cut locations and all Lake Tahoe/Emerald Bay potential substrate disturbances during the course of the extraction of the cables.

SIGNATURE 	DocuSigned by: Scott Green	PRINTED NAME Scott Green
	TITLE Associate State Archaeologist	DATE 3/13/2023

Project ID No. _____


PCA No. _____

PROJECT EVALUATION (PEF)**HISTORIAN COMMENTS AND SIGNATURE (REQUIRED FOR ALL FINDINGS)****Findings:**

- ☒ No PRC 5024 necessary (provide justification)
- ☐ PRC 5024 attached, project approved as written
- ☐ PRC 5024 attached, conditions necessary
- ☐ PRC 5024 attached, mitigations and/or potential significant impacts

Explain

No potential to impact historic resources. Defer to archaeologist conditions.


SIGNATURE 		DocuSigned by: <i>Alexandra Neeb</i>	PRINTED NAME Alexandria Neeb
TITLE Cultural Resources Program Supervisor		DATE 3/15/2023	

ENVIRONMENTAL SCIENTIST COMMENTS AND SIGNATURE (REQUIRED FOR ALL FINDINGS)**Findings:**

- ☒ No Impact
- ☐ Impact(s), see conditions/mitigations below or on attached page(s)
- ☐ Potential Significant Impact


Explain

California State Parks supports this important project to carefully remove lead cables from Lake Tahoe.

SIGNATURE 		DocuSigned by: <i>Rich Adams</i>	PRINTED NAME Rich Adams
TITLE Sr. Environmental Scientist		DATE 3/14/2023	

MAINTENANCE CHIEF/SUPERVISOR (REQUIRED FOR ALL FINDINGS)**COMMENTS:**

No Comments

SIGNATURE 		DocuSigned by: <i>Tim Reynolds</i>	PRINTED NAME Tim Reynolds
TITLE District Maintenance Chief		DATE 3/14/2023	

Project ID No. _____

PROJECT EVALUATION (PEF)

PCA No. _____

OTHER COMMENTS (COMMENTS MUST INCLUDE TITLE AND SIGNATURE)

none

SIGNATURE



DocuSigned by:

Dan Youngren

D30DA7D5833E486...

PRINTED NAME

Dan Youngren

TITLE

Chief Ranger

DATE

3/13/2023

OTHER COMMENTS (COMMENTS MUST INCLUDE TITLE AND SIGNATURE)

SIGNATURE



PRINTED NAME

TITLE

DATE

OTHER COMMENTS (COMMENTS MUST INCLUDE TITLE AND SIGNATURE)

SIGNATURE



PRINTED NAME

TITLE

DATE

Project ID No. _____

PCA No. _____

PROJECT EVALUATION (PEF)**ENVIRONMENTAL COORDINATOR REVIEW**

YES MAYBE NO

☐ ☒ ☐☐ ☐ ☒☐ ☐ ☒☐ ☐ ☒☐ ☐ ☒**CUMULATIVE IMPACTS**

1. Will the project be conducted in conjunction with or at the same time as other projects at the park?
2. Will the project be part of a series of inter-related projects?
3. Are there any other projects that must be completed for any part of this project to become operational?
4. Are there any other projects (including deferred maintenance) that have been completed or any probable future projects that could contribute to the cumulative impacts of this project?
5. Are any of the projects that relate to the proposed work outside the General Plan?

COMMENTS: Parks fully supports ATT's proposal to remove two (2) lengths of discontinued submarine telecommunication cables submerged in Lake Tahoe along the shore of Emerald Bay and D. L. Bliss State Parks. The removal of this aging and unused lead cable from Lake Tahoe will prevent future contamination of the lake through deterioration of said cable into lake water. If the project continues in October, it may overlap with the D.L. Bliss Waterline Replacement Project (SCH # 2021110221) and the installation of a fence to protect native vegetation in front of Vikingsholm as a part of the Vikingsholm Vegetation Management Project (SCH# 20170681185). Operations will not physically overlap and cumulative impacts are not anticipated.

RECOMMENDATION:

- ☐ Not a project for the purposes of CEQA compliance.
- ☐ Project is covered activity under DOM 0600 (Figure F) that does not require a Notice of Exemption;
- ☐ Project is covered activity under previously prepared CEQA Document (internal or external);
SCH number: _____
- ☒ The project is exempt. File a Notice of Exemption.
- ☐ A Negative Declaration should be prepared.
- ☐ A Mitigated Negative Declaration should be prepared.
- ☐ An EIR should be prepared.
- ☐ AB52 Consultation Initiated. See Tribal Liaison Comment Section above.

SIGNATURE

DocuSigned by:



PRINTED NAME

Silver Hartman

TITLE

Environmental Scientist

DATE

3/13/2023

DISTRICT SUPERINTENDENT REVIEW**COMMENTS:**

Concur with findings herein

I acknowledge any constraints placed on the project as a result of the specialists' comments above and recommend the project proceed.

DISTRICT

DocuSigned by:



OFFICIAL SIGNATURE

TITLE

District Superintendent

DATE

3/15/2023

ACCESSIBILITY DIVISION

R E V I E W & C O M M E N T S H E E T

Project: Issue Right of Entry Permit to AT&T to Remove
Submerged Cable at Emerald Bay and DL Bliss**Design Entity:** District**Location:** Sierra District**Project Manager:** Silver Hartman**Review Date:** 03/13/23**Reviewer:** Travis Segebart**Project Phase:** PEF**Phone:** 916.712.0820

This review and comment does not authorize any omissions or deviations from applicable regulations. The intent of this review is for general conformance with applicable parts of Americans with Disabilities Act Standards for Accessible Design (ADASAD), California Code of Regulations Title 24 - access compliance, and the Department of Parks and Recreation's (DPR) California State Parks Accessibility Guidelines (CSPAG). Plans were reviewed solely on the items submitted to the Accessibility Division as it relates to standards in design and construction of accessibility features for individuals with disabilities. All construction must comply with the Latest Editions of the California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical code (CEC), California Fire Code (CFC), current editions of the Occupational Safety and Health Act (OSHA) and all other prevailing state and federal regulations.

G E N E R A L C O M M E N T S

Accessibility Division has completed the review of this PEF and determined that there are no accessibility requirements; the scope of work as described in the PEF is exempt. Unless the scope of work changes, no further review is required. Approval of this PEF does not authorize or approve any omission or deviation from applicable regulations.

E N D O F C O M M E N T S

**Remove Submerged Cable at Emerald Bay and D.L. Bliss State Parks
Project Background and CA State Parks Resource Protection Measures**

RIGHT OF ENTRY PERMIT (ROE):

The CA Department of Parks and Recreation, Sierra District (Parks) fully supports AT&T's proposal to remove two (2) lengths of discontinued submarine telecommunication cables submerged in Lake Tahoe along the shore of Emerald Bay and D. L. Bliss State Parks (EXHIBIT B, AT&T PLAN SET – Permit Drawings, and Appendices A-E). This Right of Entry (ROE) permit is for access and work on State Park property where AT&T proposes to cut and cap the said cables above the high-water line (6,229.1 feet), as well as for work in the State Park Underwater Parks where the cable will be removed. All Best Management Practices (BMP) and Condition Measures provided by AT&T as well as those provided by all other permitting agencies will be followed. All legal and permitting compliance including the CA Environmental Quality Act (CEQA) is the responsibility of AT&T and their contractors. In addition to outside regulatory requirements, Parks will require compliance with the RESOURCE PROTECTION MEASURES described below. Contact the Sierra District Environmental Coordinator, Silver Hartman, as needed, for clarification by phone at (530) 525-9533 or email at Silver.Hartman@parks.ca.gov.

GENERAL PROJECT INFORMATION:

The intent of this project is to remove two (2) lengths of submerged cable, cut, cap and bury all cable ends (that remain on land) above the high-water line (6,229.1 feet). The longest section of cable is approximately six (6) miles long and stretches between Baldwin Beach and past Rubicon Point near Lester Beach. This cable comes up on shore a total of six (6) times, four (4) of which are on State Park property at Emerald Bay and D.L. Bliss State Parks. There are two (2) Cut Locations at each park, for a total of four (4) (Emerald Bay = Cut Locations 2 and 3; D. L. Bliss = Cut Locations 4 and 5). Additionally, there is a second, 1,000-foot cable segment, across the mouth of Emerald Bay, that was previously severed on one side (Cut Location B). It is unknown if the severed end of this cable (Cut Location B) is above the high-water line or not. If it is above the high water-line, it will be capped and buried. If the severed end is below the high-water line, it will be cut at the appropriate elevation, capped, and buried. The other side of this cable, Cut Location A (aka 3A), will be cut, capped, and buried. All sections of both cables will be removed using a 30-foot by 60-foot modular barge suitable for shallow water use. An outboard skiff will be used to maneuver the barge and is comparably sized to a recreational boat.

The cable is approximately 8.5 inches in diameter, and it weighs nine (9) pounds per foot. The cable construction consists of communication cables surrounded by a lead sheath which is bounded by a layer of wire armor followed by an outer jute for additional water proofing. The lead and steel add stability to the cable and it is expected that the cable will remain intact during the spooling process. Work will include:

- Barge assisted removal of submerged cable from State Park Underwater Parks as well as cutting and capping of the cable ends at the high-water line (6,229.1 feet) on Park property (no cutting will occur within the lake). At this time, only cable segments located below the high-water line will be removed; all cable segments that continue (buried) on land (Park property) will remain in place.
- Cable on land will be accessed via barge, approached on foot, and uncovered with hand tools. Cable segments on shore are currently buried to a depth of four to six (4-6) inches and/or underneath boulders.
- Boulder removal will occur as needed to access the cable at the high-water line and will be done with an excavator that accesses land via ramp from the barge (or if that is not feasible, by barge mounted sling and winch).
- Once exposed, the cable will be cut with a reciprocating saw, covered with a 3M shrink cap¹ and reburied to a depth of eighteen to twenty-four (18-24) inches². In places where the cable was covered with boulders, the cable will be reburied under boulders.
- To work on the cable (cut/cap) and excavate for reburying, the cable will be manipulated using hydraulic jacks, prybars, and lumber as shims/wedges. If necessary and feasible, the mini excavator may be used.
- Excavation is expected to be limited to hand digging to expose and rebury the cable. Dimensions of the excavation would be approximately eighteen to twenty-four (18-24) inches deep and wide, by twenty-four to sixty (24-60 inches long) at each Cut Location. Displaced soil, cobble, boulders, etc. will be placed adjacent to excavation for reuse in reburying.

¹ 3M shrink cap is made of a cross-linked modified polyolefin material with an internal hot melt adhesive. According to 3M, the shrink cap does not need to be maintained and has a lifespan of > 50 years. The shrink cap is made of a non-reactive inert material. On application of heat, the adhesive melts, and the part shrinks, forming a watertight, weather, and chemical resistant seal.

² Burying the shrink cap further increases the lifespan of the shrink cap as it eliminates photodegradation and reduces exposure to environmental elements.

- To minimize airborne cable particles, the cable will be kept wet during cutting operations. Approximately five (5) gallons of lake water may be used at each cut location for this purpose. The wastewater and particles generated from the cutting operations will be containerized and will be removed via barge.
- The cut end of cable will be tied onto a steel cable, winched onto the barge, and spooled into segments.
- A monitor will observe the operation underwater and collect cable fragments that fall into the lakebed. A technician on the barge will skim fragments from the surface. Collected cable fragments will be disposed into a container onboard. A technician will monitor plume events through visual observation and a turbidity meter.
- AT&T's contractor will dispose of the reclaimed cable at an approved facility in accordance with local, state, and federal regulations.
- There is no staging on Park property. All equipment, tools, and materials used for cable removal will be staged on the barge, at the Tahoe Keys Marina staging area, or elsewhere (off Park property).
- Work is expected to take place between ~~March 27 and May 1, 2023~~. If work cannot be completed in that timeframe, AT&T will request an extension in writing. Total estimated workdays: 16 (weather permitting).
- In addition to the RESOURCE PROTECTION MEASURES outlined below AT&T will comply with all regulatory permits and agreements³ as well as to all plans and survey reports⁴.
- AT&T will notify Parks immediately of any/all changes to the project scope and/or permit requirements. All changes are dependent on Park approval prior to implementation.

Between the filing of the NOE and the signing of the ROE the dates of the project were changed to May 1- 26 with 20 expected work days Monday - Friday.

RESOURCE PROTECTION MEASURES:

SOIL RESOURCES

Soil Contamination-

- Equipment: All construction equipment must be checked daily for leaks. If leaks are discovered, equipment must be immediately removed from service to prevent leaks that could contaminate soil resources.
- Damaged cable: If a cable is accidentally damaged during cable exposure, the capping process, or rehabilitation of the site (by an excavator, hand crew, boulder movement, cable movement, etc.) work will cease until all potentially contaminated soil is removed in accordance with state safety regulations.
 - AT&T will immediately contact the CA State Park Water and Sewer Plant Supervisor, Graham Payne at (530) 205-5335 or by email at Graham.Payne@parks.ca.gov and will provide:
 1. The location of the contamination,
 2. The amount of soil removed, and
 3. Soil testing confirmation that all remaining soil is contaminant free.
 - Once the contaminated soil is removed and work at the site is complete, topography will be restored to blend with existing features and is dependent upon Park approval.

Cable Maintenance and Inspection Plan ~~Maintenance and Safety Inspection Plan removed from ROE requirements.~~

- ~~This project does not include removal of any cable sections that continue (buried) on land (Park property). The ends of the buried cable sections will be cut, capped (3M shrink cap), and reburied with hand tools at six (6) locations on Park property (Cut Locations 2, 3, 4, 5 and A and B). To ensure that potential future soil contamination is detected, and that public health and safety standards are met for future generations of Park visitors, AT&T will provide, in writing, intent to maintain and inspect all Cut Locations on Park property for as long as the cables remain in place. The Maintenance and Safety Inspection plan is dependent upon Park approval and will include:~~
 - ~~○ A description of inspection methods, lead testing procedures, and decontamination protocols.~~
 - ~~○ A monthly/yearly inspection schedule for the Cut Locations on Park property.~~
 - ~~○ Proposed access routes to inspection sites.~~
 - ~~○ Lead soil testing protocols that will detect (if present) lead leakage into the soil through the 3M shrink caps or other damaged/weak points in the cable.~~

³ Including but not limited to: TRPA's permit and Initial Environmental Checklist, Lahontan Regional Water Quality Control Board's section 401 Water Quality Certification and Notice of Exemption (NOE) for in-water work, CA Dept. of Fish and Wildlife's Streambed Alteration Agreement, and CA State Lands Commission's Amendment No 1 of Lease PRC 1579, US Army Corps of Engineers' 404 permit, and United States Forest Service permits.

⁴ Including but not limited to AT&T Project A020LET: Water Quality Protection Plan, Site Specific Safety Plan, Biological Survey Report, Rare Plant Survey for Tahoe Yellow Cress, Archaeological Survey Report, and tribal consultation correspondence.

- An annual report to Parks that includes all inspection logs and test results by location.
- Protocol for decontamination that includes contacting Parks immediately with the location and scale of the contamination.

AIR RESOURCES

Airborne pollutants-

- To prevent the introduction of airborne pollutants, the cable will be kept wet during cutting operations. Approximately five (5) gallons of lake water may be used at each Cut Location for this purpose. A container will be placed below the cable to collect wastewater and particulates generated from the cutting operations. The wastewater and particles generated from the cutting operations will be properly secured in a container, removed via barge, and disposed of according to local, state, and federal regulations.
 - If weather conditions prevent the wastewater and particulates generated from cutting to be fully captured in the container (i.e., too windy, or rainy), work will cease until favorable weather conditions prevail.

WATER RESOURCES

Water Contamination-

- All construction equipment must be checked daily for leaks. If leaks are discovered, equipment must be immediately removed from service to prevent potential contamination of water resources.
- No equipment maintenance or fueling shall take place where petroleum products or other pollutants from the equipment may pass into the water.

Water Intake Systems (Parks is not currently detecting lead in the water) –

- Project work is scheduled to take place in the off season which correlates to reduced and/or deactivated Parks' water systems (water systems typically run between May 15 and October 15).
- AT&T will notify CA State Park Water and Sewer Plant Supervisor, Graham Payne, by email at Graham.Payne@parks.ca.gov two (2) weeks prior to work so that Parks can confirm that the water systems can be shut down.
- In the event of a water related emergency, call (or text 2xs) Graham Payne, at (530) 205-5335.
- It is expected that the cable stays intact during the spooling process, however if the cable shows any signs of weakness or disintegration, work will cease, the appropriate BMPs will be implemented, and Parks (Graham Payne) will be immediately notified.

Water Sampling -

- AT&T will conduct water sampling at all Cut Locations on Park property (Cut Locations 2-5 and A-B).
 - At Cut Locations 2-5 and A-B: sample, before, during, and after the cable is cut and provide sample results, turbidity logs, and Chain of Custody to Parks on the day of sampling **(required)**.
 - When working near Park's water intakes (particularly Cut Location B), AT&T will take care to reduce sediment displacement into the water column to avoid impacts to Parks' adjacent water intake.
- Parks recommends that AT&T conducts water sampling in open water between Cut Locations (where the cable is being spooled onto the barge) to ensure no lead is being released by the spooling process.
- Parks recommends AT&T uses one of these two Environmental Laboratory Accreditation Program (ELAP) certified labs for sampling:
 1. Cranmer Engineering Inc., 1188 East Main St., Grass Valley, California, Contact Jason (530) 273-7284
 2. Silver State Analytical Lab/Excelchem Laboratories, 1135 Financial Blvd., Reno, Nevada, Contact Joe Nava: (775) 857-2400
- AT&T may request for Parks to share the GIS data of the water intake locations. This information is CONFIDENTIAL and will only be used for the purposes of protecting said infrastructure and will not be for public disclosure.

Water Drafting –

- The cable will be cut with a reciprocating saw above the high-water line (on land). No cutting will occur within the lake. Procedures for eliminating the release of lead to land or water will be followed. This includes wetting the cable to minimize airborne lead particulates during the cutting process. A container will be placed below the cable to collect wastewater and particulates generated from cutting operations.
- Approximately five (5) gallons of water may be used at each of the six (6) Cut Locations on Park property.
- The wastewater and particles generated from the cutting operations will be properly secured in a container, removed via barge, and disposed of according to local, state, and federal regulations.

BIOLOGICAL RESOURCES**Plant Life –**

- The Biological Survey Report documents the terrestrial vegetation communities found at each Cut Location. Habitat types at the terrestrial locations where work will occur consist primarily of bare boulder areas below the high-water line (6,229.1 feet). Above the high-water line, habitats consist of scrub and forest with a variety of perennial and annual species. Common species include willow, aspen, and alder (Cut Location 2); sugar pine, Jeffery pine, ponderosa pine, white fir, and black cottonwood (Cut Location A); lupine and cinquefoil (Cut Location 3); and huckleberry oak (Cut Location 4). Cut Location 5 is on a steep rocky shore with little vegetation. Although the occurrence of vegetation at the Cut Locations is minimal, vegetation will be protected and left undisturbed when feasible. No trees will be removed.
- Tahoe yellow cress (TYC): As identified in the TYC Survey Report, there are two (2) known TYC populations adjacent to project disturbance areas; one is on US Forest Service (USFS) property, and the other is at D.L. Bliss State Park (Cut Location 4). If any additional TYC plants are observed during the preconstruction survey (at any Cut Location), all avoidance measures will be implemented. To protect TYC, all known and newly discovered individuals and/or populations will be avoided and remain undisturbed. An onsite qualified biological monitor will be present during all earthwork at sites with TYC. At Cut Location 4, a plastic tarp will be temporarily placed over known locations where plants were observed in order to prevent soil or other materials from falling onto the area and covering/burying plants and/or seeds during earthwork operations. As soon as earthwork is complete, the tarp will be removed and properly disposed of offsite.
- Terrestrial non-native plant species: To prevent invasive plant seed dispersal and potential introduction of new invasive species, all tools and equipment will be inspected and made clean and free of soil and plant material prior to entering the project area (Weed Prevention BMP Checklist).
- Aquatic Invasive Species (AIS): To prevent the spread of AIS, all watercraft must be inspected prior to entering the waters of Lake Tahoe. All watercraft with ballasts will be decontaminated prior to launching.

Animal Life –

- Bald eagle (CA Endangered Species): There is a long history of bald eagle nesting in the project area. Bald eagle breeding season is generally between February 1 and August 31; coinciding with the project's timeline. The disturbance buffer zone for an active bald eagle nest is ½ mile. Cut Locations 2, 5, 6 and A-B are all within ½ mile of the bald eagle nest location. Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if the bald eagle nest is active. If there is an active bald eagle nest within ½ mile of any of the Cut Locations, then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.
- Peregrine falcon (CA Species of Special Concern) breeding season is between February 1 and July 31. The disturbance buffer zone for the peregrine falcon is ¼ mile from an active nest. There is a history of active nests in the project area within ¼ and ½ mile from Cut Locations 2, 4, 5, and 6. Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if there are any active peregrine falcon nests in the project area. If the project is within ¼ mile of an active nest, then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.
- Osprey (CA Species of Special Concern) breeding season is between April 1 and August 15. Osprey typically nest along the shoreline within the project area. Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if there are any active osprey nests in the project area. If the project is within ¼ mile of an active osprey nest then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.

CULTURAL RESOURCES**Cultural Resource Protection Measures -**

- AT&T will adhere to all conditions described in the Archaeological Survey Report including archaeological monitoring of all earth disturbances of the Cut Locations and all Lake Tahoe/Emerald Bay potential

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substrate disturbances during the course of the excavation of the cables. If the project archaeologist finds evidence of potentially significant historical/archaeological/tribal resources (human remains, Native American artifacts, shell, concentrations of bottle glass or ceramics, submerged boats/vessels/objects, and submerged tree trunks that could be indicative of the Mid-Holocene, etc.), then the CA State Park Archaeologist, Scott Green, will be contacted immediately and work be suspended until identification and proper treatment are determined and implemented. Contact Scott Green (530) 523-3527, or by email at Scott.Green@parks.ca.gov.

RECREATIONAL RESOURCES

Between the filing of the NOE and the signing of the ROE the dates of the project were changed to May 1- 26 with 20 expected work days Monday - Friday.

Park Visitors -

- Project work is scheduled for spring which is typically still part of the off season for visitors to Emerald Bay and D. L. Bliss State Parks, and as a result, this project will likely not cause recreational impacts. Work is expected to take ~~sixteen days (16) between March 27 and May 1, 2023~~. Therefore, all noise and interruptions to scenic views will be temporary. If work cannot be completed in this time window, AT&T will request, in writing, an extension of the ROE for October of 2023. At that time Parks will re-evaluate the need for additional condition measures, if needed, to accommodate the busier time of year. Visitor information methods such as signage and/or a press release may be required to inform visitors of the project.

Education and Outreach –

- To show support of this project, Parks would like the opportunity to take video and/or use social media to conduct educational outreach.

REHABILITATION AND RESTORATION

Erosion Control -

- Erosion control BMPs will be installed on a case-by-case basis and will be used if determined necessary by Parks.
- If erosion control BMPs are used, they will not contain any plastic.
- Seeding/revegetation is not needed for this project.

Boulder and Topography Repair –

- All substrate disturbed by excavation will be tamped to original compaction and grade.
- Boulders moved during the cable removal process will be returned to their original location.
- During excavation, soil, cobble, boulders, etc. will be segregated for returning to the excavation in the order that it was removed. Removed soil will be hand compacted back to original grade.

Equipment and Supplies -

- The plastic tarp used to protect the TYC plants at Cut Location 4 will be removed immediately following earthwork at that site.
- No tools, materials, equipment, or other items will remain on Park property unless in immediate use.

OTHER

- Parks officially requests that AT&T provide a map showing all locations of AT&T cable segments that will remain on CA State Park property (on land). Knowledge of the cable location may prevent accidental cable damage and subsequent lead contamination.
- AT&T will notify the Coast Guard prior to initiating work.
- AT&T will notify Parks of the work schedule, provide schedule updates as needed, and schedule a final walk through with Parks upon project completion.

CONTACT INFORMATION

CA Department of Parks and Recreation, Sierra District, P.O. Box 266, Tahoma, CA 96142 -

- Sierra District Environmental Coordinator - Silver Hartman, (530) 525-9533, Silver.Hartman@parks.ca.gov.
- CA State Park Water and Sewer Plant Supervisor - Graham Payne, (530) 205-5335, Graham.Payne@parks.ca.gov

- Case 2:21-cv-00073-JDP Document 33-1 Filed 06/02/23 Page 39 of 100
- Sierra District Wildlife Biologist - Ashli Lewis, (530) 414-4386, Ashli.Lewis@parks.ca.gov.
 - Sierra District Archaeologist - Scott Green, (530) 523-3527, Scott.Green@parks.ca.gov.

AT&T

- Area Manager Construction and Engineering – Torrey Denoo, (775) 544-9752, td1963@att.com.

R3X GROUP

- Project Manager, Senior Scientist/Environmental Planner – Sammy Rodriguez, (254) 723-0013, sammy@r3xgroup.com.

Project Contractor

- J.F. Brennan Company, Inc., - Lester Garrett, (206) 300-2945, 26108 Pioneer Way NW, Poulsbo, WA 98370, www.jfbrennan.com

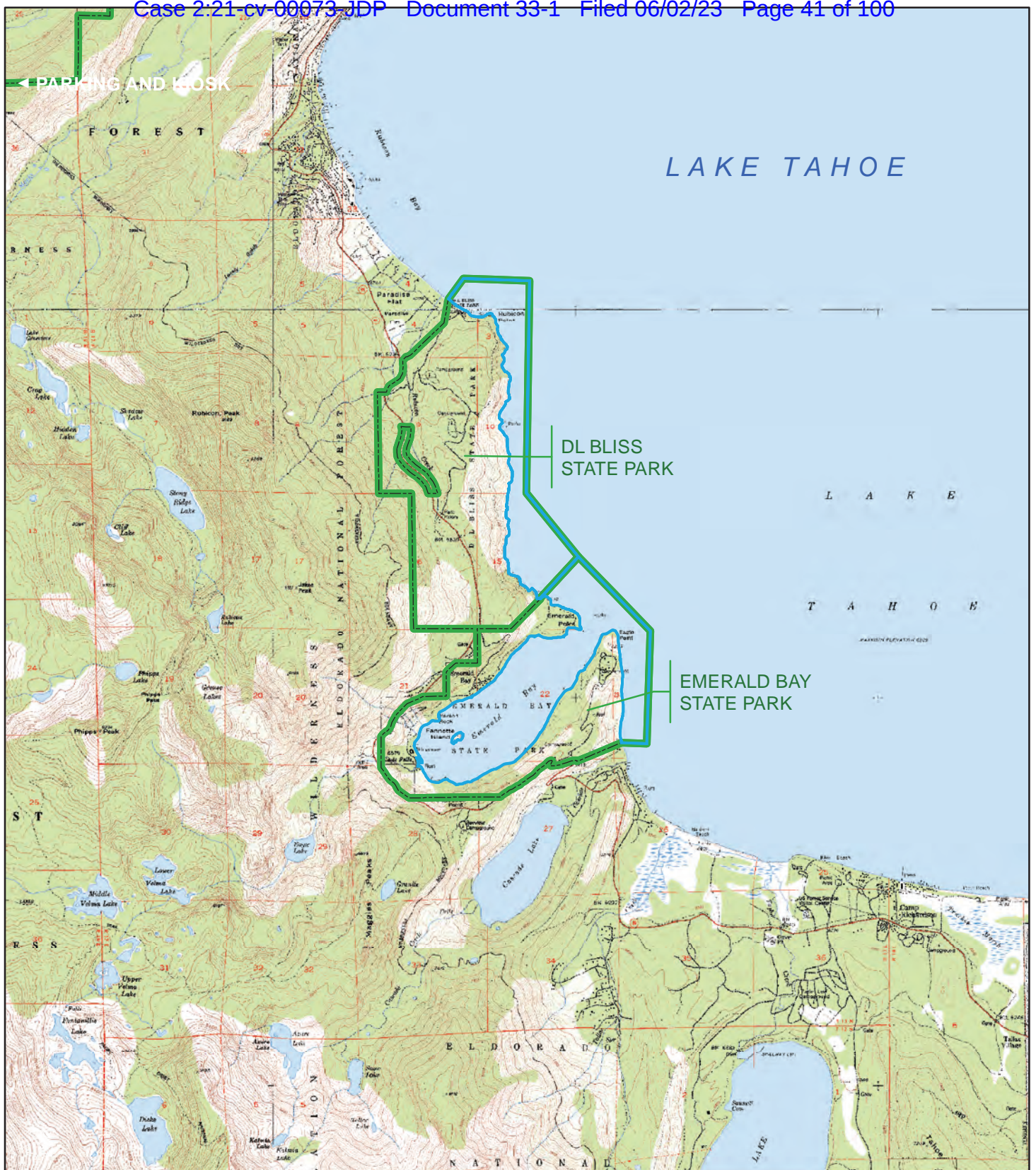
Exhibit B - *The Property*

A. Maps:

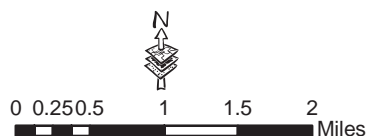
- USGS
- AT&T Cut Locations (2 pgs)
- Wildlife Bald Eagle Nest Buffer Map
- Wildlife Peregrine Falcon Nest Buffer Map

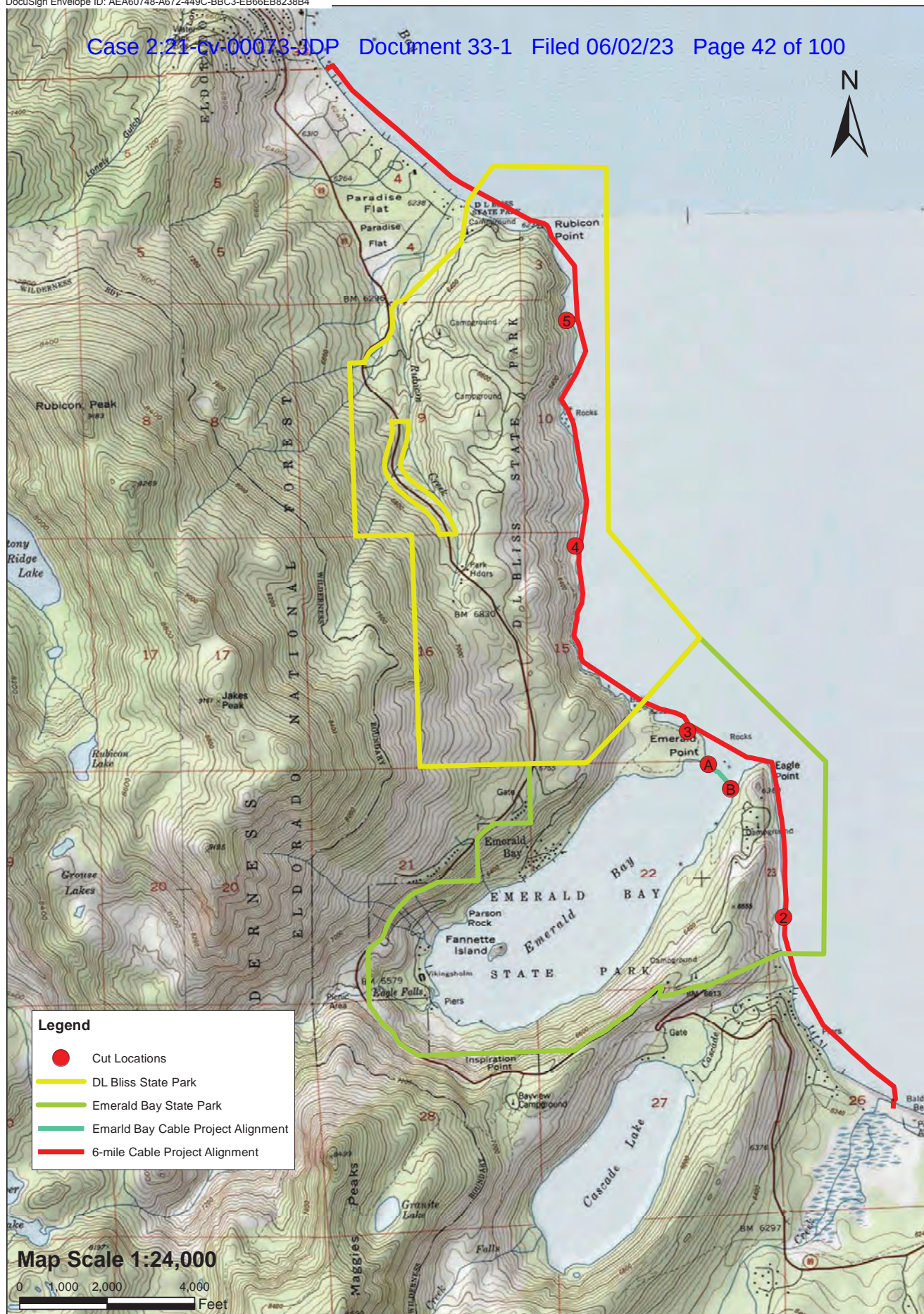
B. Cut Point Locations:

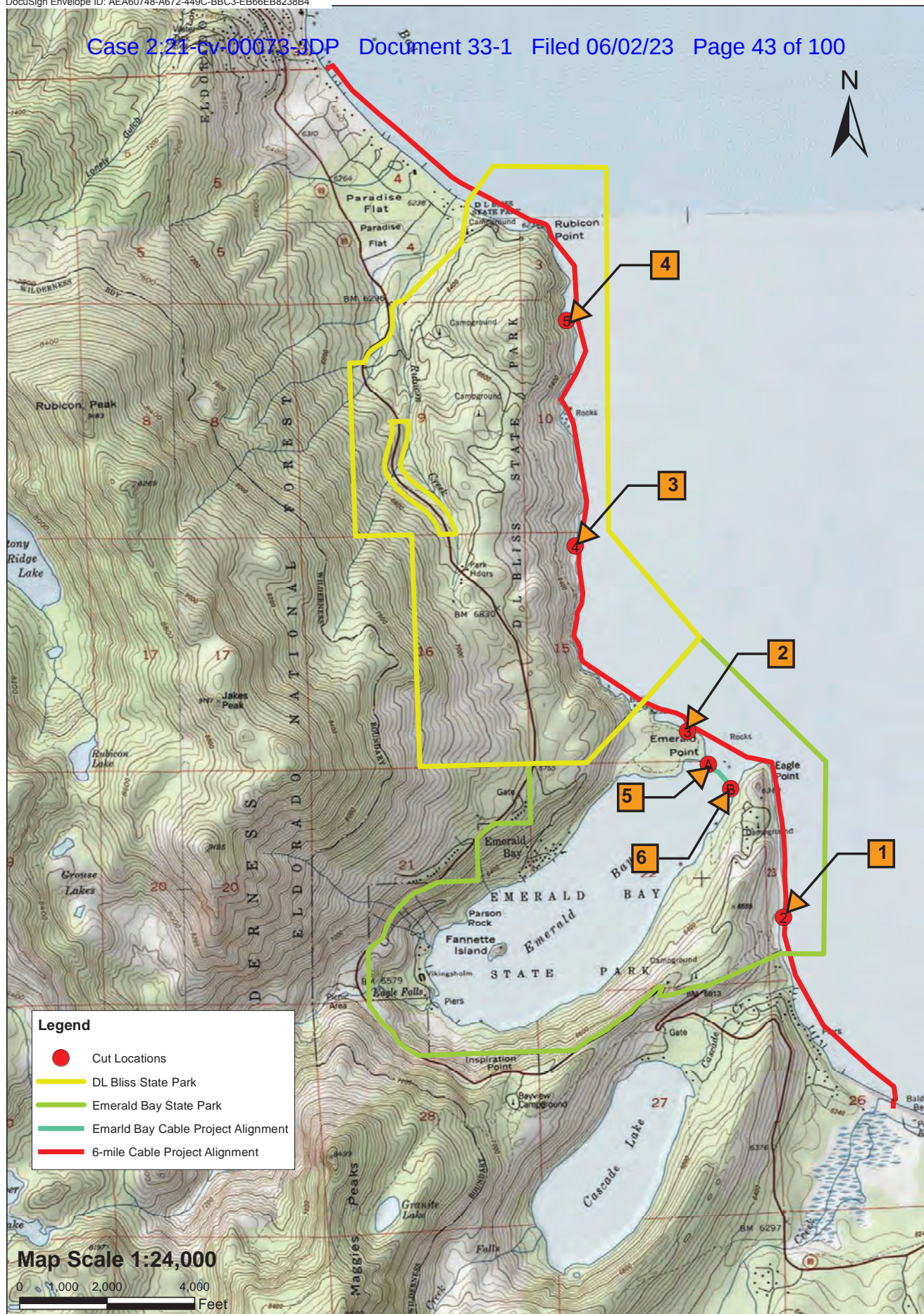
- PLAN SET B – Cut Location Photo Log, pages 2-5
- PLAN SET C – Staging Area
- Biological Survey Report, pages 25-30
- Rare Plant Survey for Tahoe Yellow Cress, pages 8 and 11-15



DL BLISS AND EMERALD BAY
STATE PARK
USGS 7.5 MIN MAP



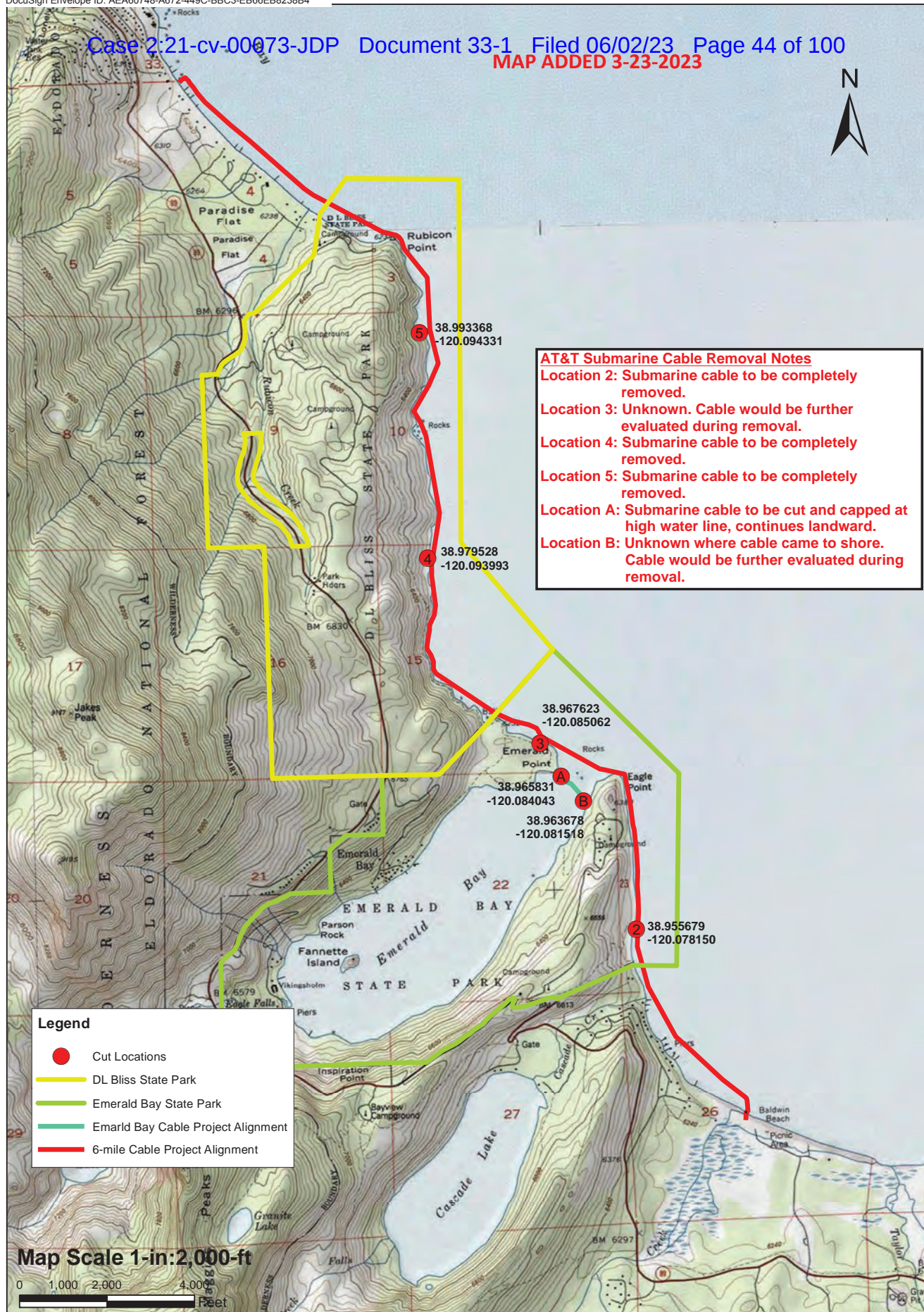
PROJECT SCIENTIST: S. RODRIGUEZ TEL: (254) 723-0013TYPE OF CONST: CABLE REMOVALAT&T PROJECT NO: A020LETDWG 1 OF 1 DATE: 07/15/2022PREPARED BY: S. RODRIGUEZ TEL: (254) 723-0013PROJECT LOCATION: LAKE TAHOEPROJECT CITY: TAHOE CITYPROJECT COUNTY: EL DORADO

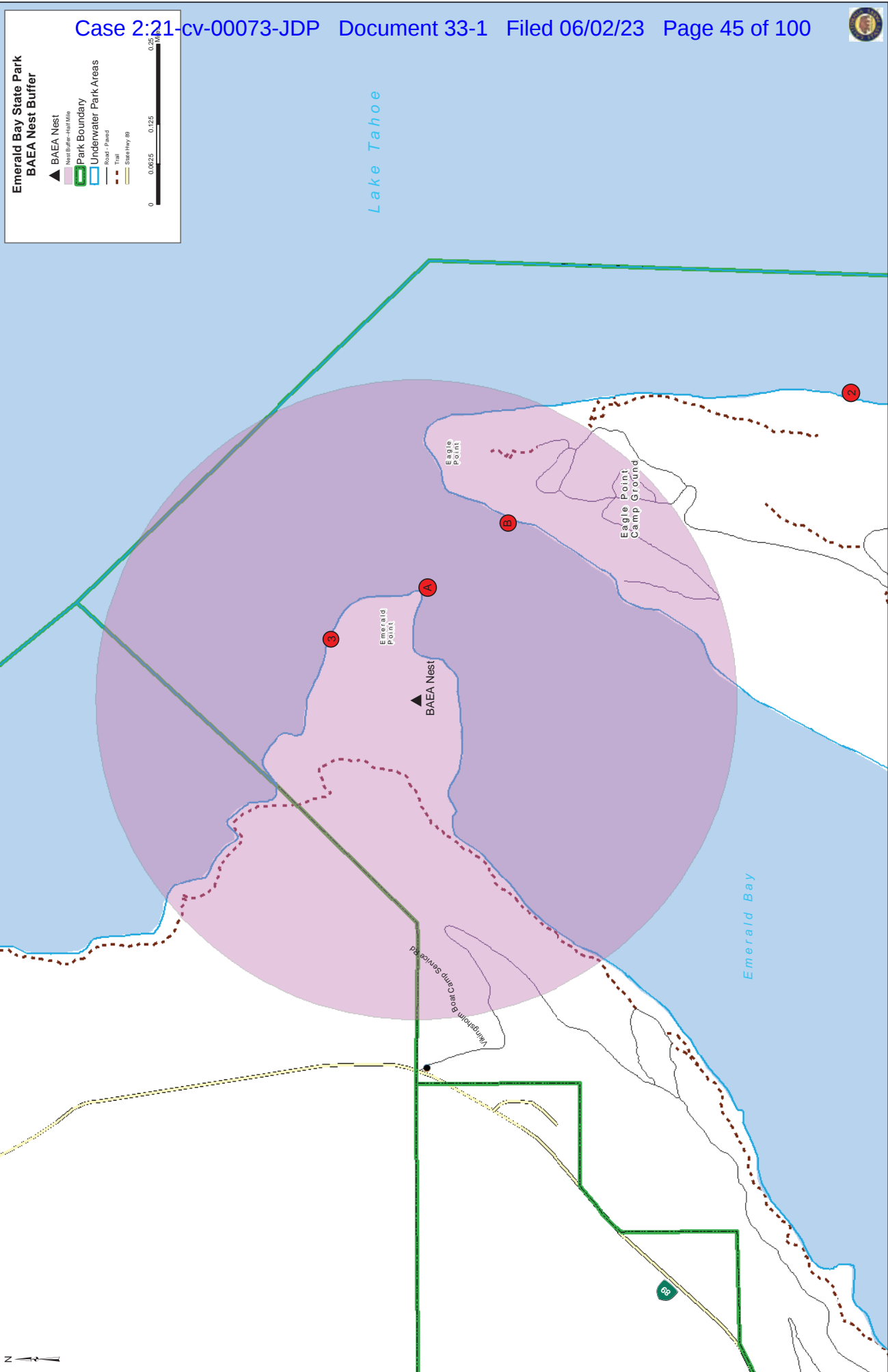


Map Scale 1:24,000

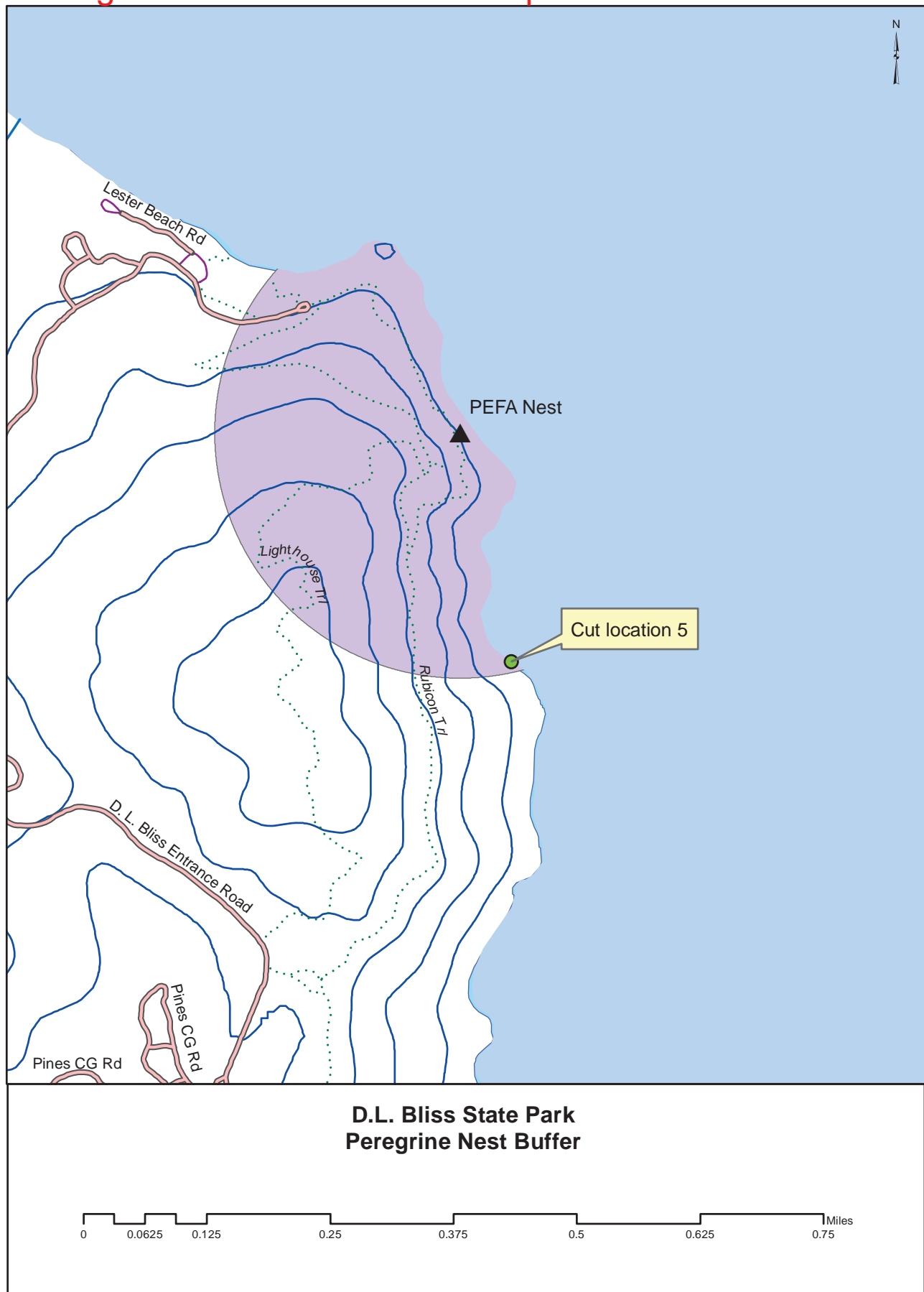
0 1,000 2,000 4,000 Feet

PROJECT SCIENTIST: S. RODRIGUEZ TEL: (254) 723-0013TYPE OF CONST: CABLE REMOVALAT&T PROJECT NO: A020LETDWG 1 OF 1 DATE: 07/15/2022PREPARED BY: S. RODRIGUEZ TEL: (254) 723-0013PROJECT LOCATION: LAKE TAHOEPROJECT CITY: TAHOE CITYPROJECT COUNTY: EL DORADO

PROJECT SCIENTIST: S. RODRIGUEZ TEL: (254) 723-0013PREPARED BY: S. RODRIGUEZ TEL: (254) 723-0013TYPE OF CONST: CABLE REMOVALPROJECT LOCATION: LAKE TAHOEAT&T PROJECT NO: A020LETPROJECT CITY: TAHOE CITYDWG 1 OF 1 DATE: 03/23/2023PROJECT COUNTY: EL DORADO



Peregrine Falcon Nest Buffer Map



PLAN SET B – Cut Location Photo Log, pages 2-5

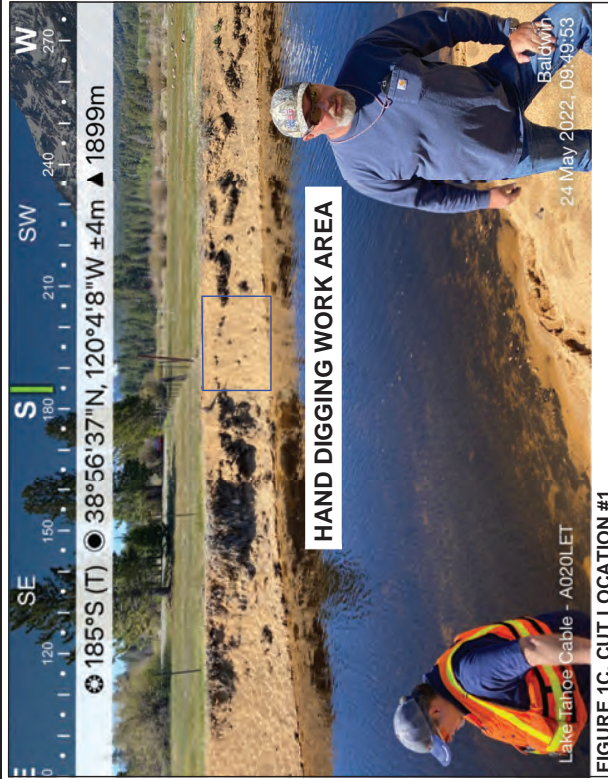


FIGURE 1C. CUT LOCATION #1

CUT LOCATION #1 - BALDWIN BEACH

See text description on previous page

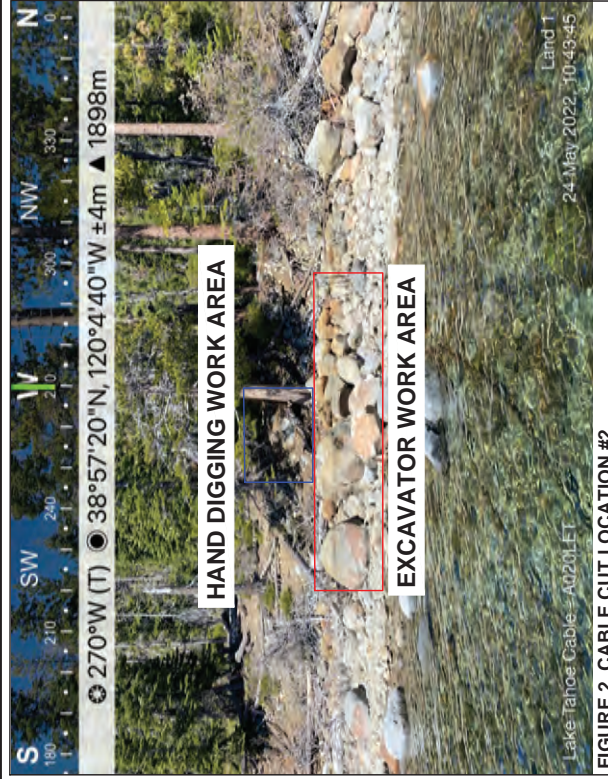


FIGURE 2. CABLE CUT LOCATION #2

CUT LOCATION #2 - LAKE TAHOE

EMERALD BAT STATE PARK

Work will occur from the edge of Lake Tahoe to the high water mark (Figure 2). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable, pole and anchors will be removed. In case of limited barge accessibility, boulders may be removed using a sling and winch wire from the barge. Storm water BMPs shall be provided down gradient of excavation, as required. BMP's may be removed after final stabilization of the ground disturbance.

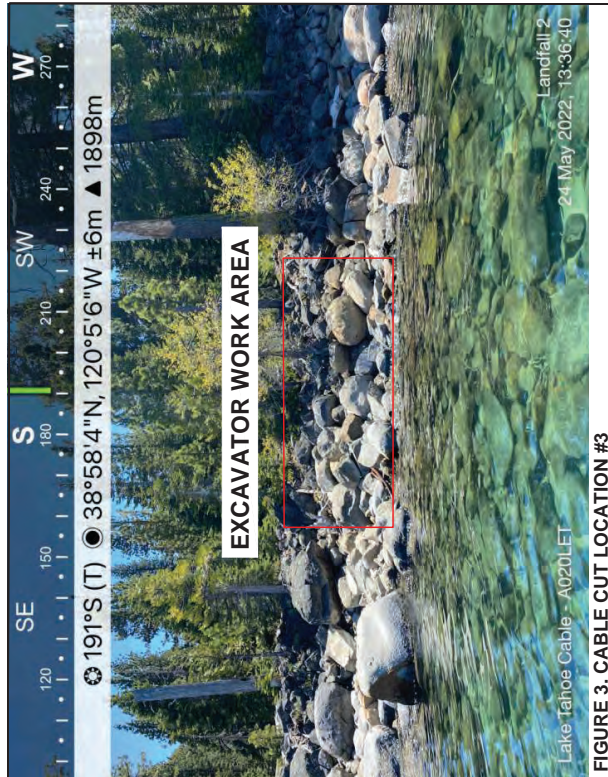


FIGURE 3. CABLE CUT LOCATION #3

CUT LOCATION #3 - LAKE TAHOE EMERALD BAY STATE PARK

Work will occur from the edge of Lake Tahoe to the high water mark (Figure 3). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable will be removed. Storm water BMPs shall be provided down gradient of excavation. BMP's shall be removed after final stabilization of ground disturbance.

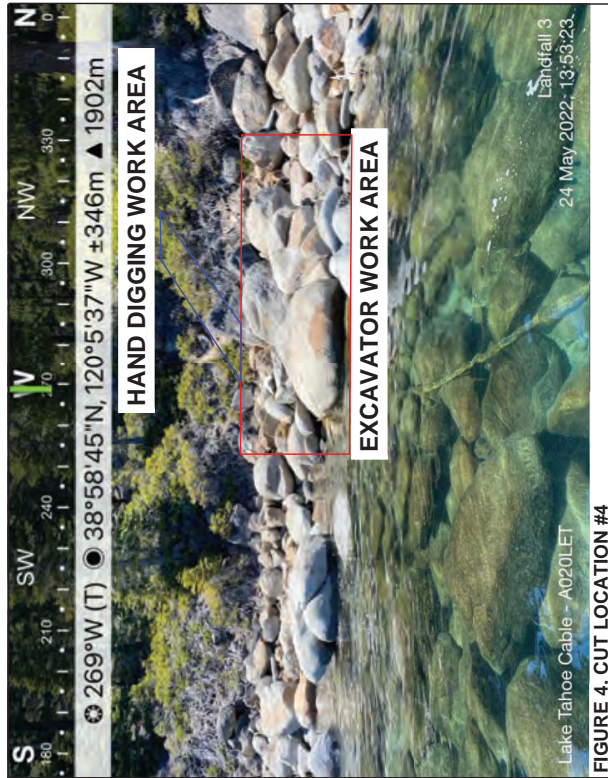


FIGURE 4. CUT LOCATION #4

CUT LOCATION #4 - LAKE TAHOE**DL BLISS STATE PARK**

Work will occur from the edge of Lake Tahoe to the high water mark (Figure 4). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable, pole, and anchors will be removed. Storm water BMPs shall be provided down gradient of excavation. BMP's may be removed after final stabilization of ground disturbance.

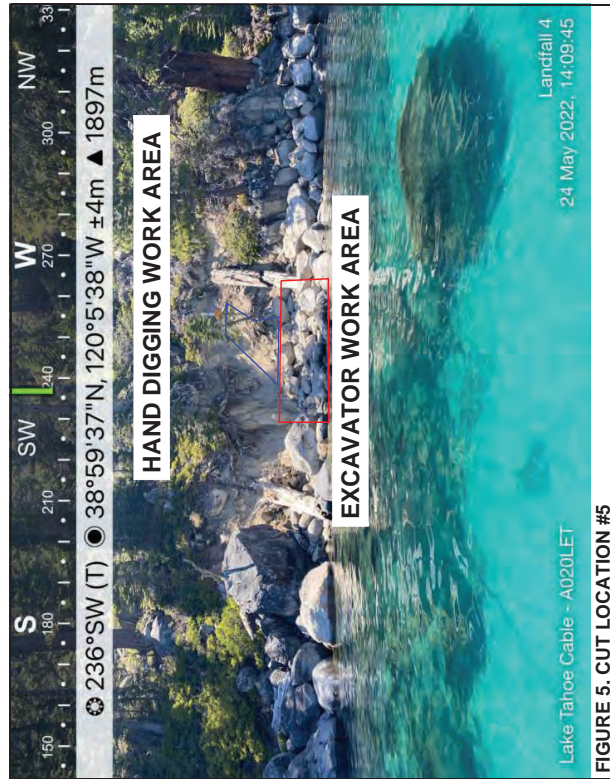


FIGURE 5. CUT LOCATION #5

CUT LOCATION #5 - LAKE TAHOE DL BLISS STATE PARK

Work will occur from the edge of Lake Tahoe to the high water mark (Figure 5). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable, pole, and anchors will be removed. Storm water BMPs shall be provided down gradient of excavation.

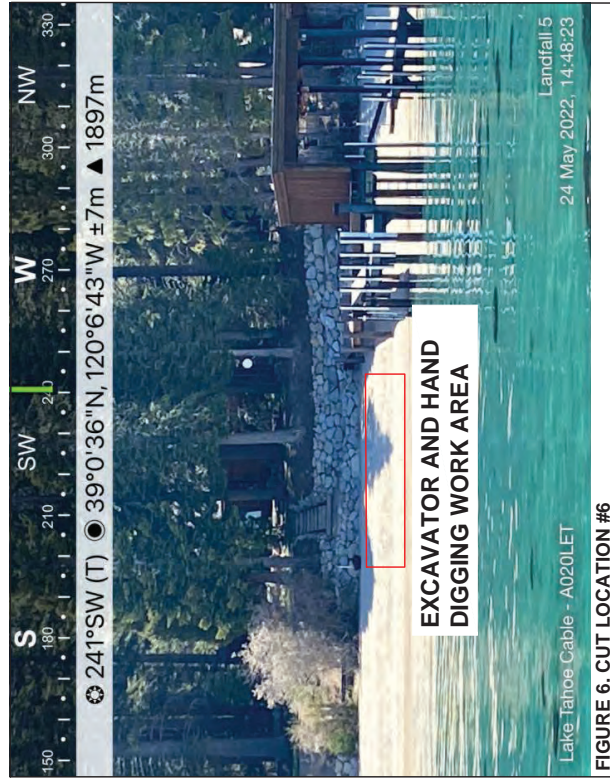


FIGURE 6. CUT LOCATION #6

CUT LOCATION #6 - LAKE TAHOE

Work will occur from the edge of Lake Tahoe to the high water mark (Figure 6). The cable will be exposed using an excavator and shovels. Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable will be removed. Storm water BMPs shall be provided down gradient of excavation.



FIGURE 7. CUT LOCATION A

CUT LOCATION A - EMERALD BAY

DL BLISS STATE PARK

Work will occur from the edge of Lake Tahoe to the high water mark (Figure 7). An excavator will not be used at this site. Personnel will access the site via barge or by foot. Once on shore, the cable will be exposed to the high water line using shovels and then cut and capped. Excavated soil will be placed back in the excavated area. The cable will be removed. Storm water BMP's shall be provided down gradient of excavation, as required. BMP's may be removed after final stabilization of the ground disturbance.

PLAN SET C – Staging Area

Google Earth

TAHOE KEYS MARINA

PARKING LOT

PROJECT START
APPROXIMATELY
3.5 MILES WEST

Google Earth

Biological Survey Report, pages 25-30

excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable, pole and anchors will be removed.

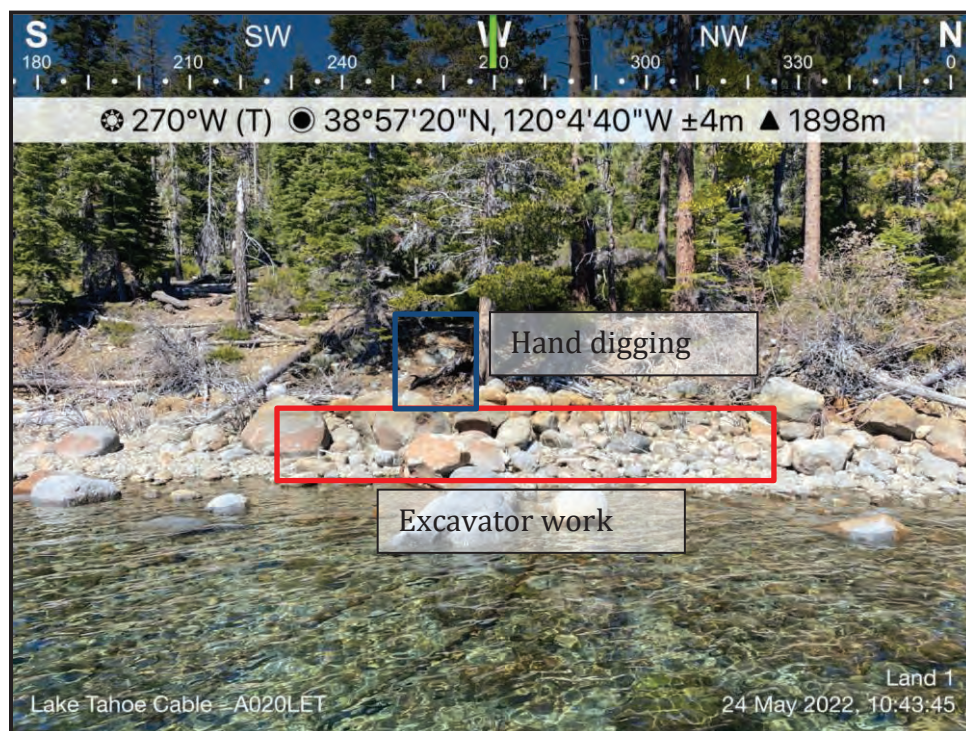


Figure 10. Cut Location #2

The vegetation in and around the site consists of various wetland plants such as willow, aspen, and alder.

Scientific Name	Common Name
<i>Alnus incana</i>	Alder
<i>Galium ssp.</i>	Bedstraw
<i>Pinus contorta</i>	Lodgepole pine
<i>Populus tremuloides</i>	Quaking aspen
<i>Populus trichocarpa</i>	Black cottonwood
<i>Potentilla gracilis</i>	(Cinquefoil)
<i>Rorippa curvisiliqua</i>	Curved yellow cress
<i>Salix lasiolepis</i>	Arroyo willow

Cut Location at Emerald Bay

Work will occur from the edge of Lake Tahoe to the high-water mark (Figure 11). An excavator will not be used at this site. Personnel will access the site via barge or by foot. Once on shore, the cable will be exposed to the high-water line using shovels and then cut and capped. Excavated soil will be placed back in the excavated area. The cable will be removed.

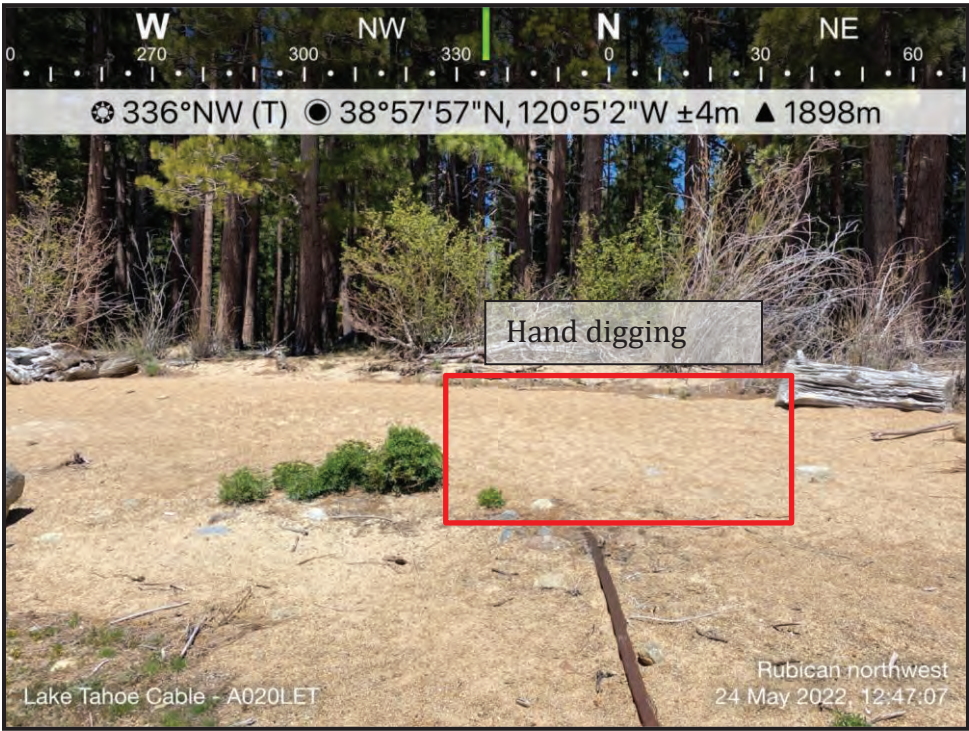


Figure 11. Cut Location Emerald Bay

This site cuts across the low-lying peninsula on the north side of the mouth of Emerald Bay. The cable removal area is on a well-vegetated rocky shore. The vegetation above the ordinary high-water mark (OHWM) is dominated by over story trees consisting of sugar pine, Jeffrey pine, ponderosa pine, white fir, and black cottonwood.

Scientific name	Common name
Abies concolor	White fir
Calocedrus decurrens	Incense cedar
Deschampsia cespitosa	Tufted harigrass
Galium ssp.	Bedstraw

<i>Hieracium albiflorum</i>	White flowered hawkweed
<i>Pinus jeffreyi</i>	Jeffrey pine
<i>Pinus lambertiana</i>	Sugar pine
<i>Pinus ponderosa</i>	Ponderosa pine
<i>Populus trichocarpa</i>	Black cottonwood
<i>Potentilla gracilis</i>	Cinquefoil
<i>Quercus vaccinifolia</i>	Huckleberry oak

Cut location #3

Work will occur from the edge of Lake Tahoe to the high-water mark (Figure 12). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore, allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable will be removed.

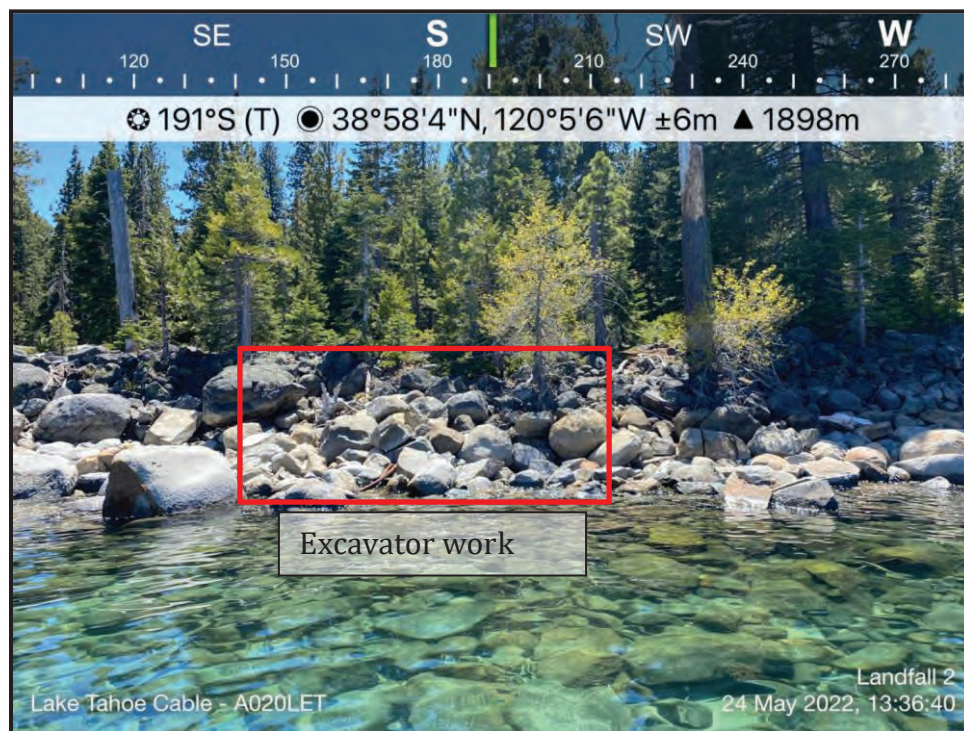


Figure 12. Cut Location #3

The north side of the mouth of Emerald Bay where the cable removal is proposed is a heavily vegetated sandy shoreline consisting mostly of lupine and cinquefoil.

Scientific name	Common name
<i>Acemisson nevadensis</i>	Sierra lotus
<i>Hieracium albiflorum</i>	White flowered hawkweed
<i>Hieracium albiflorum</i>	White flowered hawkweed
<i>Hosackia pinnata</i>	Pinate lotus
<i>Lupinus polyphyllus</i>	Large leaved lupine
<i>Mentha canadensis</i>	Wild mint
<i>Potentilla gracilis</i>	Cinquefoil
<i>Rumex triangulivalvis</i>	Willow dock
<i>Salix lasiandra</i>	Pacific willow
<i>Verbascum thapsus</i>	Wooly mullein

Cut location #4

Work will occur from the edge of Lake Tahoe to the high-water mark (Figure 13). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore, allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable, pole, and anchors will be removed.

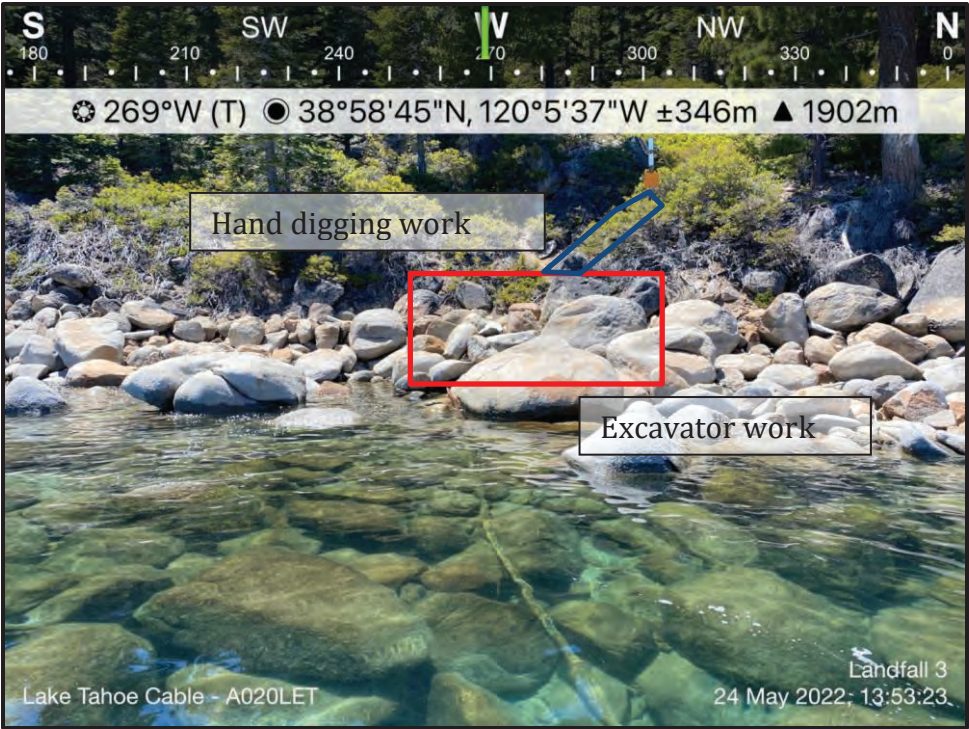


Figure 13. Cut Location #4

This cable removal area is located north of Emerald Bay on a rocky shore. The vegetation consisted of mostly huckleberry oak.

Scientific Name	Common Name
<i>Abies concolor</i>	White fir
<i>Arctostaphylos patula</i>	Green leaf manzanita
<i>Carex ssp.</i>	Sedge
<i>Deschampsia cespitosa</i>	Tufted harigrass
<i>Hieracium albiflorum</i>	White flowered hawkweed
<i>Pinus jeffreyi</i>	Jeffrey pine
<i>Pinus lambertiana</i>	Sugar pine
<i>Potentilla gracilis</i>	Cinquefoil)
<i>Pseudognaphalium californicum</i>	Ladies’ tobacco
<i>Quercus vaccinifolia</i>	Huckleberry oak
<i>Rorippa subumbellata</i>	Tahoe yellow cress

Cut location #5

Work will occur from the edge of Lake Tahoe to the high-water mark (Figure 14). The cable will be exposed using an excavator (to move boulders off of the cable) and shovels (to dig in sandy areas near splice point). Equipment and personnel access will be from the lake via a barge. The barge will get within a few feet of the shore and a ramp will be placed from the barge to the shore, allowing the excavator to enter and exit the work site. Once on shore, the cable will be exposed using the excavator and hand digging, and then removed. Excavated soil will be placed back in the excavated area. Cable, pole, and anchors will be removed.

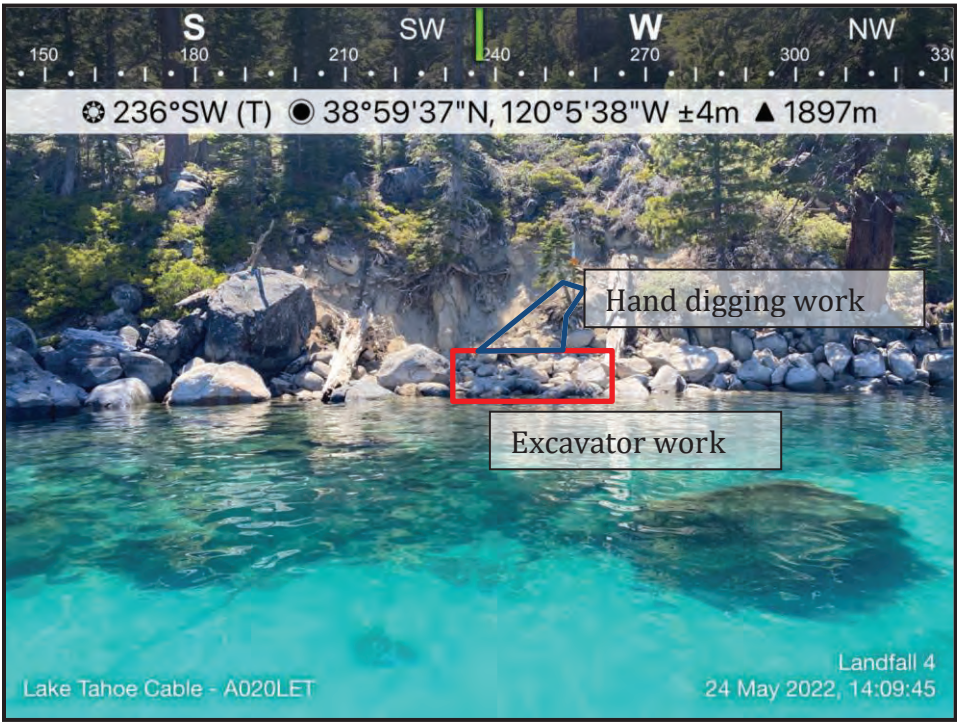


Figure 14. Cut Location #5

This site is on a steep rocky shore with little vegetation. No occurrences of TYC were found in this location.

Scientific name	Common name
<i>Abies concolor</i>	White fir
<i>Ceanothus velutinus</i>	Snowbrush
<i>Deschampsia cespitosa</i>	Tufted harigrass
<i>Galium ssp.</i>	Bedstraw

Rare Plant Survey for Tahoe Yellow Cress, pages 8 and 11-15

Figure 4. Location 4 - One plant located approximately 12 inches from the cables.



Photo 2. An overview of cut location 2.



Photo 3. An overview of cut location 3.



Photo 4. An overview of cut location 3A.



Photo 5. Tahoe yellow cress at cut location 4.



Exhibit - D

Consideration, Liability & ROE Request

- Right of Entry (ROE) Cost Calculation Sheet
- Liability Insurance Insurance
- AT&T ROE Request Forms



RIGHT OF ENTRY (ROE) PERMIT - COST CALCULATION SHEET

FOR DEPARTMENTAL USE ONLY

To calculate a classification's hourly rate, use CalHR's Civil Service Pay Scale (https://www.calhr.ca.gov/Pay%20Scales%20Library/PS_Sec_15.pdf) and divide the classification's monthly compensation by 173.333 hours. Staff benefit rates are current for fiscal year 2020-2021 and must be reconsidered each year. Enter a new rate in the *Benefit Rate* field if needed.

Complete before sending to applicant.

Form completed by: Silver Hartman
Title: Environmental Scientist & Coordinator
Date: March 15, 2023

Complete after receiving payment from applicant.

Check # : _____
Check Date : _____
Check Amount : _____
Project # : _____
Activity # : _____
State Clearinghouse No. (SCH#): _____
District-Specific ROE Permit No. _____

This worksheet is used to calculate the total costs incurred from expenses of permit-related items below. Costs may be incurred due to addressing park impacts, revenue losses, inspections, monitoring, surveys and/or other permit management. All costs must be paid in full prior to permit issuance. Fees and multipliers for permit applications are re-evaluated on a regular basis to ensure the department's review costs are recovered and that applicants are not unfairly charged.

Basic Charges	Amount
Permit Fee	\$50.00
Standard Permit Reimbursement Cost	\$1, 450.00

Item	Other Charges	Amount
Subtotal:		\$1,500.00

Item	Job Classification Title	Position	Benefit Rate	Hourly Rate	Hours	Amount
1	Wildlife Biologist Pre-Proect Surveys	Env. Sci.	\$1.653	\$45.73	24	\$1,814.20
Task:						
Subtotal:						\$1,814.20

Total: \$3,314.20

Notes:



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
03/09/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA, Inc. 800 Market Street, Suite 1800 St. Louis, MO 63101		CONTACT NAME: Marsh U.S. Operations PHONE (A/C, No, Ext): 866-966-4664 FAX (A/C, No): E-MAIL ADDRESS: All.CertRequest@marsh.com	
CN103150778-GAW-CRT-22-23 N N cs2345 N		INSURER(S) AFFORDING COVERAGE NAIC #	
INSURED AT&T Technology Operations/ Pacific Bell Telephone Company One AT&T Plaza 208 South Akard Room 1820 Dallas, TX 75202		INSURER A: Old Republic Insurance Company 24147 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CHI-010244124-01 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			MWZY 313636 22	06/01/2022	06/01/2023	EACH OCCURRENCE \$ 5,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ N/A PERSONAL & ADV INJURY \$ 5,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMPIOP AGG \$ 5,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			MWTB 313635 22	06/01/2022	06/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	MWC 313638 22 (AOS)	06/01/2022	06/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 5,000,000 E.L. DISEASE - EA EMPLOYEE \$ 5,000,000 E.L. DISEASE - POLICY LIMIT \$ 5,000,000
A	Excess Workers' Compensation / Employers' Liability			MWXS 313639 22 (OH,WA) See Second Page	06/01/2022	06/01/2023	EL Each Accident / EL Disease 1,000,000 EL Disease-Policy Limit 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is/are included as Additional Insured under the General Liability and Automobile Liability policies but only with respect to the requirements of the contract between the Certificate Holder and the Insured.

CERTIFICATE HOLDER

California Department of Parks and Recreation, Sierra District
 P.O. Box 266
 Tehoma, CA 96142-0266

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Marsh USA Inc.

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AGENCY CUSTOMER ID: CN103150778

LOC #: St. Louis



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

AGENCY Marsh USA, Inc.		NAMED INSURED AT&T Technology Operations/ Pacific Bell Telephone Company One AT&T Plaza 208 South Akard Room 1820 Dallas, TX 75202
POLICY NUMBER		
CARRIER	NAIC CODE	
EFFECTIVE DATE:		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Excess Workers' Compensation -MWXS 313639 22 (OH-WA)
Self Insured Retentions
OH & WA - \$500,000,000 (except Terrorism)
OH & WA - \$600,000,000 Terrorism



June 24, 2022

**Re: Letter of Authorization
AT&T Project A020LET
South Lake Tahoe, El Dorado County, CA**

To whom it may concern,

The following individual is authorized to sign on my behalf as an Authorized Agent for permit applications associated with AT&T Project A020LET.

Sammy Rodriguez
Project Manager
R3X Group, Inc.
11828 Springs Head Loop
Austin, TX 78717

Should you have any questions or would like to discuss this Letter of Authorization in further detail, you may reach me at (775) 683-5235, or TD1963@ATT.COM.

Sincerely,
AT&T California

A handwritten signature in black ink, appearing to read "Torrey Denoo", written over a horizontal line.

Torrey Denoo
Area Manager Construction and Engineering



July 14, 2022

CA Department of Parks and Recreation
Sierra District c/o Silver Hartman
P.O. Box 266
Tahoma, CA 96142-0266
(530) 525-7232

Sent via email to: silver.hartman@parks.ca.gov

**Re: Right of Entry Permit Request
AT&T Project A020LET
Lake Tahoe Cable Removal
South Lake Tahoe, El Dorado County, CA**

To whom it may concern,

On behalf of AT&T California, R3X Group is pleased to submit a Right of Entry Permit Request for AT&T Project A020LET (Project). Supplemental information for the ROE permit request is provided in this letter.

PROJECT PURPOSE

AT&T proposes the removal of two discontinued submarine communication cables. Authorization to install the cable in submerged lands between Rubicon Bay and Tallac was granted by AT&T's State Lands Commission lease agreement 1579.9 in 1955. The cable submerged in Emerald Bay was authorized by lease agreement 4417.9 in 1970. AT&T requests authorization from State Parks to remove both cables located in Emerald Bay Underwater Park and D.L. Bliss Underwater Park.

PROJECT DESCRIPTION

AT&T California proposes the removal of two lengths of submarine telecommunications cable in Lake Tahoe and Emerald Bay in California. The longest cable is approximately 6-miles long and runs along the Southwestern shore of Lake Tahoe. The cable stretches from Baldwin Beach past Rubicon Point near Lester Beach. Most of the cable resides in the Emerald Bay and DL Bliss Underwater State Parks. This 6-mile cable comes up on shore a total of 6 times. The second cable rests at the mouth of Emerald Bay and spans approximately 1,000-feet. The shorter cable extends between the shores of Emerald Point and Eagles Point and lies in the Emerald Bay



Underwater Park. The Project area for both cables lies within the Lake Tahoe Basin Management Unit of the USDA Forest Service. The cables largely rest on the lake bed, not within the substrate, and measure approximately 4-inches in diameter.

The cable removal is expected to occur in the Fall during the recreational off-season, no earlier than October. AT&T anticipates using three staging areas: the lake entry point for barge launch, the cut locations where cable comes up on shore, and the mobile barge. The cable will be removed using a 30-feet by 60-feet modular barge suitable for shallow water use. An outboard skiff will be used to maneuver the barge and is comparably sized to a recreational boat. These maritime vessels are delivered by semi-trucks with an estimated length of 70-feet to 10-feet width. Portions of the cable on land will be accessed from the barge from which a technician will approach the cut location on foot. Cable segments on shore are buried 4-6-inches. Sections of the cable may lie beneath large boulders, a mini excavator staged on the barge will be used to temporarily remove them. To remove the cable, it will be exposed at the high water line at 6,229.1-feet with hand tools or an excavator that will access the location by ramp from the barge, at which the cable will be severed. The cable will be cut with a reciprocating saw. A container will be used to collect particulates generated from the cable cutting operations. To minimize airborne cable particles, the cable will be kept wet during cutting operations. The cut end of the cable will be tied onto a steel cable and winched onto the barge, then spooled into segments. The portion above the high water line will be covered by a 3M shrink cap and reburied with hand tools. A touchdown monitor will observe the operation underwater and collect cable fragments that fall to the lake bed. A technician on the barge will skim fragments from the surface. Collected cable fragments will then be disposed into a container onboard. A technician will be responsible for monitoring plume events through visual observation and a turbidity meter.

Lake access is tentatively planned to be staged from the Tahoe Keys Marina. The Tahoe Keys Marina is approximately 2-miles East of Baldwin Beach. An invasive species inspection will occur on incoming marine craft prior to entering the lake.

It will be the responsibility of AT&T's contractor to dispose of the reclaimed cable at an approved facility in accordance with local, state, and federal regulations.



LOCATION OF PROPOSED ACTIVITY

The 6-mile cable proposed for removal is located along the shoreline of Lake Tahoe and comes on land at the following 6 locations.

LAKE TAHOE SHORELINE 6-MILE CABLE		
Location	Latitude	Longitude
Cut Location 1	38.943700	-120.069339
Cut Location 2	38.955678	-120.078125
Cut Location 3	38.967622	-120.085100
Cut Location 4	38.979236	-120.094002
Cut Location 5	38.993388	-120.094308
Cut Location 6	39.009428	-120.113150

The 1,000-foot cable proposed for removal is located in the mouth of Emerald Bay and comes on land at the following 2 locations.

EMERALD BAY 1000-FEET CABLE		
Location	Latitude	Longitude
Cut Location A	38.965811	-120.084089
Cut Location B	38.963600	-120.081600

STATE TAX PARCEL IDS

The 6-mile cable proposed for removal is located along the shoreline of Lake Tahoe and comes on land at the following parcels.

LAKE TAHOE SHORELINE 6-MILE CABLE	
Location	Parcel ID
Cut Location 1	118-090-069
Cut Location 2	018-060-004
Cut Location 3	017-131-001
Cut Location 4	017-111-001
Cut Location 5	017-071-001
Cut Location 6	016-131-005



The 1,000-foot cable proposed for removal is located in the mouth of Emerald Bay and comes on land at the following parcels.

EMERALD BAY 1000-FEET CABLE	
Location	Parcel ID
Cut Location A	017-131-001
Cut Location B	018-060-005

SECTION TOWNSHIP RANGE

The 6-mile cable proposed for removal is located along the shoreline of Lake Tahoe and comes on land at the following Section, Township Range.

LAKE TAHOE SHORELINE 6-MILE CABLE			
Location	Section	Township	Range
Cut Location 1	26	13N	17E
Cut Location 2	23	13N	17E
Cut Location 3	15	13N	17E
Cut Location 4	15	13N	17E
Cut Location 5	10	13N	17E
Cut Location 6	33	14N	17E

The 1,000-foot cable proposed for removal is located in the mouth of Emerald Bay and comes on land at the following Section, Township Range.

EMERALD BAY 1000-FEET CABLE			
Location	Section	Township	Range
Cut Location A	15	13N	17E
Cut Location B	22	13N	17E

WATER RESOURCES

Work will occur within the banks of Lake Tahoe and Emerald Bay. Fill or dredging of material is not proposed. Water quality protective measures are included in the enclosed Water Quality Protection Plan in Attachment D of the Permit Drawings.

**BIOLOGICAL RESOURCES**

A biological survey report shall be provided to State Parks upon completion. Currently, the report is on hold pending a field survey for Tahoe yellow cress.

CULTURAL AND HISTORICAL RESOURCES

An archaeological survey report shall be provided to State Parks upon completion. Currently, the report is on hold pending Native American consultation.

AGENCY CONSULTATION

AT&T is in consultation with the following agencies:

U.S. Army Corps	U.S. Forest Service	Tahoe Regional Planning Agency
CA State Lands Commission	CA Dept. of Fish and Wildlife	CA State Parks
Lahontan Regional Water Quality Control Board	State Water Resources Control Board	El Dorado County

The following supporting documents are enclosed as part of the Right of Entry Permit Request:

- Right of Entry Permit Request,
- Agent, Letter of Authorization,
- Site Specific Safety Plan, and
- Permit Drawings.

Should you have any questions or would like to discuss the project in further detail, you may reach me at (254) 723-0013, or sammy@r3xgroup.com.

Sincerely,

R3X Group, Inc.

A handwritten signature in black ink that reads "Sammy Rodriguez".

Sammy Rodriguez
Senior Scientist



AT&T A020LET - Lake Tahoe
Agencies Consulted
July 28, 2022

	AGENCY	CURRENT NOTES
1.	US Army Corps c/o Jason Gibson	Pre-Construction Notice submitted by email on 6/24/22.
2.	Tahoe Regional Planning Agency c/o Tiffany Good	Pre-application submitted online on March 18 th . Application to be submitted upon completion of biological and archaeological studies.
3.	CA State Lands Commission c/o Jannalisa Toy	Pre-application meeting held on March 24 th . Online applications submitted on 6/23/22 and 7/1/22. Permit review has been initiated.
4.	CA Department of Fish and Wildlife Department c/o Patrick Moeszinger	Pre-application meeting held on March 18 th . Application to be submitted upon completion of biological study.
5.	Lahontan Regional Water Board c/o Bryan Talmadge	Pre-application scheduled for March 23 rd . Review of application initiated on 6/17/22. Meeting to discuss application requirements scheduled for week of 8/1/22.
6.	US Forest Service c/o Karen Kuentz	Permit drawings and request for review submitted by email on 6/17/22.
7.	CA State Parks c/o Silver Hartman	Right of Entry Permit submitted on 7/14/22. Permit review has been initiated.
8.	El Dorado Planning and Building Department	Request for consultation submitted by email on 7/14/22. Permit not needed.



RIGHT OF ENTRY (ROE) PERMIT APPLICATION

For departmental use only.

DISTRICT Sierra	PARK UNIT D.L. Bliss SP (303)	SUB UNIT
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Are the activities of this permit application covered under an NOE/NOD *previously* filed with the State Clearing House either by State Parks or another Lead Agency? ☐ Yes ☒ No

If not, is an NOE/NOD filed with the State Clearing House for this ROE permit? ☐ Yes ☒ No

If filed, what is the SCH# of the NOE/NOD previously or currently filed? _____

The NOE/NOE and SCH# can be found at the Office of Planning and Research: <https://ceqanet.opr.ca.gov/>

Date application received: _____ District-Specific ROE Permit No. _____

Directions for applicant: Complete Sections 1-7 and attach, or include in an email, any required documents.

1. ROE STATUS

Specify if your ROE request is for a new project or if you are renewing or amending an existing ROE. Indicate if it is an emergency.

☒ New

☐ Renewal or Amendment Permit No.: _____ Expiration Date: _____

Has the scope of work changed? ☐ Yes ☐ No *If Yes, provide a description of the changes in Section 4.*

☐ Emergency Reason: _____

2. APPLICANT INFORMATION

APPLICANT OR ENTITY (PERMITTEE) AT&T California		CONTACT PERSON Torrey Denoo	
STREET ADDRESS 1375 Capital Boulevard			
CITY Reno		STATE Nevada	ZIP CODE 89502
EMAIL td1963@att.com	PHONE (PRIMARY) (775) 683-5235	EXT.	PHONE (SECONDARY) EXT.

3. PROJECT LOCATION INFORMATION

CITY (IF APPLICABLE) South Lake Tahoe	COUNTY El Dorado
ASSESSOR PARCEL NUMBER(S) (APN) See supplemental letter.	
PARK UNIT(S) D.L. Bliss Underwater Park, Emerald Bay Underwater Park	
Is the work within a deeded easement or right-of-way? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <i>A copy of the terms of the deed may be requested.</i>	
A map with the ROE area outlined, including all staging areas, routes of ingress and egress, and work areas must be submitted. (If "Attach Map" button does not work, simply include it in your email or hardcopy submittal.) <input checked="" type="checkbox"/> Map Attached	

SCH#

RIGHT OF ENTRY (ROE) PERMIT APPLICATION ROE Permit No.

4. SCOPE OF WORK

Describe the purpose of the project and the activities you are proposing on State Park property. List the methods, equipment, and/or materials that will be used and indicate if proposed activities involve excavation of soil or ground disturbance, off-trail or off-road use, vehicle use, creation of loud noises, vegetation removal or modification, traffic or pedestrian control, etc. Do not attach a pre-existing document in lieu of this summary. (Field will expand to fit any length of text.)

PROJECT SCOPE:

Removal of two lengths of submarine telecommunications cable in Lake Tahoe and Emerald Bay. See enclosed plans.

REQUESTED START DATE	REQUESTED END DATE	# OF VISITS	FREQUENCY OF VISITS	HOURS OF USE
Oct 1, 2022	Mar 31, 2024	14	Daily	8-5

Choose the type of activity that best describes the purpose for entering State Park lands. For example, choose "Vegetation Modification" for vegetation clearance around a utility pole or drainage easement, or choose "Survey" for installing monitoring wells or geotechnical work that might be needed for structural work or habitat restoration.

- ☒ Utility
 ☐ Survey
 ☐ Staging
 ☐ Road/Trail/Rail
 ☐ Ingress/Egress
☐ Habitat Restoration
 ☐ Drainage
 ☐ Vegetation Modification
 ☐ Structural
 ☐ Other

Is the work utility-related? ☒ Yes ☐ No ☐ Unknown

If Yes, describe the work: ☐ Maintenance/Replacement ☐ New Construction ☐ Both

Does the project involve any excavation or ground disturbance? ☒ Yes ☐ No ☐ Unknown

If Yes, what is the maximum depth? 6 inches What is the area of disturbance? 660 square ft.

What type of equipment or machinery will cause the ground disturbance? Ex: shovel, auger, excavator, etc.
Mini excavator

Describe in the project scope and provided a detailed description below. For example, 1,000 ft. of trench, 2 ft. wide by 2 ft. deep dug with trencher; scrape 20' x 20' to 2" for concrete pad; etc. (Form expands to fit text.)

See enclosed plans, sheet 1.

Does the project involve any vegetation modification or removal? ☐ Yes ☒ No ☐ Unknown

If Yes, describe in the project scope and provided a detailed description below. For example, where pertinent, include species, number, and size of trees; area of shrubs; work within wet areas; etc. (Form expands to fit text.)

Will the project involve the use of any potentially hazardous materials? ☐ Yes ☒ No ☐ Unknown

Will the project involve the use of any of the following? ☐ Herbicides/Pesticides ☐ Equipment Refueling

If Yes, describe in the project scope and provide a detailed description below.

A hazardous material contingency plan may be requested.

Materials and waste may be considered hazardous if they are poisonous (toxicity), can be ignited by open flame (ignitability), corrode other materials (corrosivity), or react violently, explode or generate vapors when mixed with water (reactivity). the term "hazardous material" is defined in the State Health and Safety Code (Chapter 6.95, Section 25501[o]) as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment.

SCH#

RIGHT OF ENTRY (ROE) PERMIT APPLICATION ROE Permit No. _____

Does the project occur in a location that may modify vehicular, bicycle, and/or pedestrian traffic?

☐ Yes ☒ No ☐ Unknown

If Yes, describe in the project scope and provide a detailed description below.

*A traffic control plan may be requested.**If the project requires plans, drawings, or exhibits, include them with this application. (If "Attach Map" button does not work, simply include it in your email or hardcopy submittal.)*☒ Plans, Drawings, or Exhibits Attached**5. Permits & Environmental Compliance**Is the proposed project covered by an existing environmental document? ☐ Yes ☒ No ☐ Unknown

If Yes, provide the State Clearinghouse Number (SCH#) _____

Include the environmental document with this application. (If "Attach Map" button does not work, simply include it in your email or hardcopy submittal.)☐ Environmental Document AttachedAre any permits required for the proposed activities in the ROE? ☒ Yes ☐ No ☐ Unknown*If 'Yes,' list any local, state, and federal permits required for the proposed activities in the table below. It is the responsibility of the applicant to obtain all required permits prior to conducting activities on state property. Should your project require additional permits or approvals from any other regulatory agencies, you will need to provide a copy of such permits or approvals before the issuance of the ROE permit. Submit copies of permits with this form. (To add rows for additional permits, click on the '+' at the top left of the table.)*

	Item	Agency	Permit	Date Applied	Date Issued
-	1	U.S. Army Corps	Nationwide 3	Jun 24, 2022	
-	2	U.S. Forest Service	SF299	Jun 17, 2022	
-	3	Tahoe Regional Planning Agency	Shorezone Permit		
-	4	CA State Lands Commission	Modification of Easement	Jun 23, 2022	
-	5	CA Dept. of Fish and Wildlife	1600 LSA		
-	6	Lahontan Regional Water Quality Board	Water Quality Certification	Jun 17, 2022	
-	7	State Water Resources Control Board	Pending response		
-	8	El Dorado County	Email Notification	Jul 14, 2022	

6. Insurance Requirements

General provisions applying to all policies requirements are fully outlined in the ROE permit. The following insurances covering the permittee and any contractors will be required:

Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State. This insurance shall include personal and advertising injury liability, products and completed operations, and liability assumed under an insured contract. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence. Annual aggregate limit shall not be less than \$2,000,000. The State of California, its officers, agents, and employees are to be covered as additional insureds with respect to liability arising out of work or operations.Automobile Liability Insurance covering all owned, non-owned, and hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. The State of California, its officers, agents, and employees are to be covered as additional insureds with respect to liability arising out of work or operations.

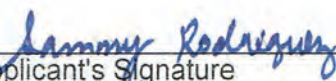
SCH# _____

RIGHT OF ENTRY (ROE) PERMIT APPLICATION ROE Permit No. _____

Workers Compensation & Employers Liability Workers' Compensation Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the State of California.

7. Certification

I the undersigned applicant hereby certify that all information contained in this application is true and accurate to the best of my knowledge. I understand that if any statements on this application are shown to be false or misrepresented, this application may be rejected and/or my right-of-entry permit may be cancelled. I understand that by submitting this application, I am responsible for payment of costs totaled on the ROE Cost Calculation Sheet, which includes a \$500 base cost, reimbursement of hours, and any other charges.


Applicant's Signature

Sammy Rodriguez
Applicant's Printed Name

7/14/22
Date

EXHIBIT - C

Resource Protection Measures

- State Parks Resource Protection Measures
- Weed Prevention BMP Checklist

**Remove Submerged Cable at Emerald Bay and D.L. Bliss State Parks
Project Background and CA State Parks Resource Protection Measures**

RIGHT OF ENTRY PERMIT (ROE):

The CA Department of Parks and Recreation, Sierra District (Parks) fully supports AT&T's proposal to remove two (2) lengths of discontinued submarine telecommunication cables submerged in Lake Tahoe along the shore of Emerald Bay and D. L. Bliss State Parks (EXHIBIT B, AT&T PLAN SET – Permit Drawings, and Appendices A-E). This Right of Entry (ROE) permit is for access and work on State Park property where AT&T proposes to cut and cap the said cables above the high-water line (6,229.1 feet), as well as for work in the State Park Underwater Parks where the cable will be removed. All Best Management Practices (BMP) and Condition Measures provided by AT&T as well as those provided by all other permitting agencies will be followed. All legal and permitting compliance including the CA Environmental Quality Act (CEQA) is the responsibility of AT&T and their contractors. In addition to outside regulatory requirements, Parks will require compliance with the RESOURCE PROTECTION MEASURES described below. Contact the Sierra District Environmental Coordinator, Silver Hartman, as needed, for clarification by phone at (530) 525-9533 or email at Silver.Hartman@parks.ca.gov.

GENERAL PROJECT INFORMATION:

The intent of this project is to remove two (2) lengths of submerged cable, cut, cap and bury all cable ends (that remain on land) above the high-water line (6,229.1 feet). The longest section of cable is approximately six (6) miles long and stretches between Baldwin Beach and past Rubicon Point near Lester Beach. This cable comes up on shore a total of six (6) times, four (4) of which are on State Park property at Emerald Bay and D.L. Bliss State Parks. There are two (2) Cut Locations at each park, for a total of four (4) (Emerald Bay = Cut Locations 2 and 3; D. L. Bliss = Cut Locations 4 and 5). Additionally, there is a second, 1,000-foot cable segment, across the mouth of Emerald Bay, that was previously severed on one side (Cut Location B). It is unknown if the severed end of this cable (Cut Location B) is above the high-water line or not. If it is above the high water-line, it will be capped and buried. If the severed end is below the high-water line, it will be cut at the appropriate elevation, capped, and buried. The other side of this cable, Cut Location A (aka 3A), will be cut, capped, and buried. All sections of both cables will be removed using a 30-foot by 60-foot modular barge suitable for shallow water use. An outboard skiff will be used to maneuver the barge and is comparably sized to a recreational boat.

The cable is approximately 8.5 inches in diameter, and it weighs nine (9) pounds per foot. The cable construction consists of communication cables surrounded by a lead sheath which is bounded by a layer of wire armor followed by an outer jute for additional water proofing. The lead and steel add stability to the cable and it is expected that the cable will remain intact during the spooling process. Work will include:

- Barge assisted removal of submerged cable from State Park Underwater Parks as well as cutting and capping of the cable ends at the high-water line (6,229.1 feet) on Park property (no cutting will occur within the lake). At this time, only cable segments located below the high-water line will be removed; all cable segments that continue (buried) on land (Park property) will remain in place.
- Cable on land will be accessed via barge, approached on foot, and uncovered with hand tools. Cable segments on shore are currently buried to a depth of four to six (4-6) inches and/or underneath boulders.
- Boulder removal will occur as needed to access the cable at the high-water line and will be done with an excavator that accesses land via ramp from the barge (or if that is not feasible, by barge mounted sling and winch).
- Once exposed, the cable will be cut with a reciprocating saw, covered with a 3M shrink cap¹ and reburied to a depth of eighteen to twenty-four (18-24) inches². In places where the cable was covered with boulders, the cable will be reburied under boulders.
- To work on the cable (cut/cap) and excavate for reburying, the cable will be manipulated using hydraulic jacks, prybars, and lumber as shims/wedges. If necessary and feasible, the mini excavator may be used.
- Excavation is expected to be limited to hand digging to expose and rebury the cable. Dimensions of the excavation would be approximately eighteen to twenty-four (18-24) inches deep and wide, by twenty-four to sixty (24-60 inches long) at each Cut Location. Displaced soil, cobble, boulders, etc. will be placed adjacent to excavation for reuse in reburying.

¹ 3M shrink cap is made of a cross-linked modified polyolefin material with an internal hot melt adhesive. According to 3M, the shrink cap does not need to be maintained and has a lifespan of > 50 years. The shrink cap is made of a non-reactive inert material. On application of heat, the adhesive melts, and the part shrinks, forming a watertight, weather, and chemical resistant seal.

² Burying the shrink cap further increases the lifespan of the shrink cap as it eliminates photodegradation and reduces exposure to environmental elements.

- To minimize airborne cable particles, the cable will be kept wet during cutting operations. Approximately five (5) gallons of lake water may be used at each cut location for this purpose. The wastewater and particles generated from the cutting operations will be containerized and will be removed via barge.
- The cut end of cable will be tied onto a steel cable, winched onto the barge, and spooled into segments.
- A monitor will observe the operation underwater and collect cable fragments that fall into the lakebed. A technician on the barge will skim fragments from the surface. Collected cable fragments will be disposed into a container onboard. A technician will monitor plume events through visual observation and a turbidity meter.
- AT&T's contractor will dispose of the reclaimed cable at an approved facility in accordance with local, state, and federal regulations.
- There is no staging on Park property. All equipment, tools, and materials used for cable removal will be staged on the barge, at the Tahoe Keys Marina staging area, or elsewhere (off Park property).
- Work is expected to take place between March 27 and May 1, 2023. If work cannot be completed in that timeframe, AT&T will request an extension in writing. Total estimated workdays: 16 (weather permitting).
- In addition to the RESOURCE PROTECTION MEASURES outlined below AT&T will comply with all regulatory permits and agreements³ as well as to all plans and survey reports⁴.
- AT&T will notify Parks immediately of any/all changes to the project scope and/or permit requirements. All changes are dependent on Park approval prior to implementation.

RESOURCE PROTECTION MEASURES:

SOIL RESOURCES

Soil Contamination-

- Equipment: All construction equipment must be checked daily for leaks. If leaks are discovered, equipment must be immediately removed from service to prevent leaks that could contaminate soil resources.
- Damaged cable: If a cable is accidentally damaged during cable exposure, the capping process, or rehabilitation of the site (by an excavator, hand crew, boulder movement, cable movement, etc.) work will cease until all potentially contaminated soil is removed in accordance with state safety regulations.
 - AT&T will immediately contact the CA State Park Water and Sewer Plant Supervisor, Graham Payne at (530) 205-5335 or by email at Graham.Payne@parks.ca.gov and will provide:
 1. The location of the contamination,
 2. The amount of soil removed, and
 3. Soil testing confirmation that all remaining soil is contaminant free.
 - Once the contaminated soil is removed and work at the site is complete, topography will be restored to blend with existing features and is dependent upon Park approval.

~~Cable Maintenance and Inspection Plan~~

- ~~This project does not include removal of any cable sections that continue (buried) on land (Park property). The ends of the buried cable sections will be cut, capped (3M shrink cap), and reburied with hand tools at six (6) locations on Park property (Cut Locations 2, 3, 4, 5 and A and B). To ensure that potential future soil contamination is detected, and that public health and safety standards are met for future generations of Park visitors, AT&T will provide, in writing, intent to maintain and inspect all Cut Locations on Park property for as long as the cables remain in place. The Maintenance and Safety Inspection plan is dependent upon Park approval and will include:~~
 - ~~A description of inspection methods, lead testing procedures, and decontamination protocols.~~
 - ~~A monthly/yearly inspection schedule for the Cut Locations on Park property.~~
 - ~~Proposed access routes to inspection sites.~~
 - ~~Lead soil testing protocols that will detect (if present) lead leakage into the soil through the 3M shrink caps or other damaged/weak points in the cable.~~

³ Including but not limited to: TRPA's permit and Initial Environmental Checklist, Lahontan Regional Water Quality Control Board's section 401 Water Quality Certification and Notice of Exemption (NOE) for in-water work, CA Dept. of Fish and Wildlife's Streambed Alteration Agreement, and CA State Lands Commission's Amendment No 1 of Lease PRC 1579, US Army Corps of Engineers' 404 permit, and United States Forest Service permits.

⁴ Including but not limited to AT&T Project A020LET: Water Quality Protection Plan, Site Specific Safety Plan, Biological Survey Report, Rare Plant Survey for Tahoe Yellow Cress, Archaeological Survey Report, and tribal consultation correspondence.

- In annual report to Parks that includes all inspection logs and test results by location.
- ~~Protocol for decontamination that includes contacting Parks immediately with the location and scale of the contamination.~~

AIR RESOURCES

Airborne pollutants-

- To prevent the introduction of airborne pollutants, the cable will be kept wet during cutting operations. Approximately five (5) gallons of lake water may be used at each Cut Location for this purpose. A container will be placed below the cable to collect wastewater and particulates generated from the cutting operations. The wastewater and particles generated from the cutting operations will be properly secured in a container, removed via barge, and disposed of according to local, state, and federal regulations.
 - If weather conditions prevent the wastewater and particulates generated from cutting to be fully captured in the container (i.e., too windy, or rainy), work will cease until favorable weather conditions prevail.

WATER RESOURCES

Water Contamination-

- All construction equipment must be checked daily for leaks. If leaks are discovered, equipment must be immediately removed from service to prevent potential contamination of water resources.
- No equipment maintenance or fueling shall take place where petroleum products or other pollutants from the equipment may pass into the water.

Water Intake Systems (Parks is not currently detecting lead in the water) –

- Project work is scheduled to take place in the off season which correlates to reduced and/or deactivated Parks' water systems (water systems typically run between May 15 and October 15).
- AT&T will notify CA State Park Water and Sewer Plant Supervisor, Graham Payne, by email at Graham.Payne@parks.ca.gov two (2) weeks prior to work so that Parks can confirm that the water systems can be shut down.
- In the event of a water related emergency, call (or text 2xs) Graham Payne, at (530) 205-5335.
- It is expected that the cable stays intact during the spooling process, however if the cable shows any signs of weakness or disintegration, work will cease, the appropriate BMPs will be implemented, and Parks (Graham Payne) will be immediately notified.

Water Sampling -

- AT&T will conduct water sampling at all Cut Locations on Park property (Cut Locations 2-5 and A-B).
 - At Cut Locations 2-5 and A-B: sample, before, during, and after the cable is cut and provide sample results, turbidity logs, and Chain of Custody to Parks on the day of sampling (**required**).
 - When working near Park's water intakes (particularly Cut Location B), AT&T will take care to reduce sediment displacement into the water column to avoid impacts to Parks' adjacent water intake.
- Parks recommends that AT&T conducts water sampling in open water between Cut Locations (where the cable is being spooled onto the barge) to ensure no lead is being released by the spooling process.
- Parks recommends AT&T uses one of these two Environmental Laboratory Accreditation Program (ELAP) certified labs for sampling:
 1. Cranmer Engineering Inc., 1188 East Main St., Grass Valley, California, Contact Jason (530) 273-7284
 2. Silver State Analytical Lab/Excelchem Laboratories, 1135 Financial Blvd., Reno, Nevada, Contact Joe Nava: (775) 857-2400
- AT&T may request for Parks to share the GIS data of the water intake locations. This information is CONFIDENTIAL and will only be used for the purposes of protecting said infrastructure and will not be for public disclosure.

Water Drafting –

- The cable will be cut with a reciprocating saw above the high-water line (on land). No cutting will occur within the lake. Procedures for eliminating the release of lead to land or water will be followed. This includes wetting the cable to minimize airborne lead particulates during the cutting process. A container will be placed below the cable to collect wastewater and particulates generated from cutting operations.
- Approximately five (5) gallons of water may be used at each of the six (6) Cut Locations on Park property.
- The wastewater and particles generated from the cutting operations will be properly secured in a container, removed via barge, and disposed of according to local, state, and federal regulations.

BIOLOGICAL RESOURCES**Plant Life –**

- The Biological Survey Report documents the terrestrial vegetation communities found at each Cut Location. Habitat types at the terrestrial locations where work will occur consist primarily of bare boulder areas below the high-water line (6,229.1 feet). Above the high-water line, habitats consist of scrub and forest with a variety of perennial and annual species. Common species include willow, aspen, and alder (Cut Location 2); sugar pine, Jeffery pine, ponderosa pine, white fir, and black cottonwood (Cut Location A); lupine and cinquefoil (Cut Location 3); and huckleberry oak (Cut Location 4). Cut Location 5 is on a steep rocky shore with little vegetation. Although the occurrence of vegetation at the Cut Locations is minimal, vegetation will be protected and left undisturbed when feasible. No trees will be removed.
- Tahoe yellow cress (TYC): As identified in the TYC Survey Report, there are two (2) known TYC populations adjacent to project disturbance areas; one is on US Forest Service (USFS) property, and the other is at D.L. Bliss State Park (Cut Location 4). If any additional TYC plants are observed during the preconstruction survey (at any Cut Location), all avoidance measures will be implemented. To protect TYC, all known and newly discovered individuals and/or populations will be avoided and remain undisturbed. An onsite qualified biological monitor will be present during all earthwork at sites with TYC. At Cut Location 4, a plastic tarp will be temporarily placed over known locations where plants were observed in order to prevent soil or other materials from falling onto the area and covering/burying plants and/or seeds during earthwork operations. As soon as earthwork is complete, the tarp will be removed and properly disposed of offsite.
- Terrestrial non-native plant species: To prevent invasive plant seed dispersal and potential introduction of new invasive species, all tools and equipment will be inspected and made clean and free of soil and plant material prior to entering the project area (Weed Prevention BMP Checklist).
- Aquatic Invasive Species (AIS): To prevent the spread of AIS, all watercraft must be inspected prior to entering the waters of Lake Tahoe. All watercraft with ballasts will be decontaminated prior to launching.

Animal Life –

- Bald eagle (CA Endangered Species): There is a long history of bald eagle nesting in the project area. Bald eagle breeding season is generally between February 1 and August 31; coinciding with the project's timeline. The disturbance buffer zone for an active bald eagle nest is ½ mile. Cut Locations 2, 5, 6 and A-B are all within ½ mile of the bald eagle nest location. Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if the bald eagle nest is active. If there is an active bald eagle nest within ½ mile of any of the Cut Locations, then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.
- Peregrine falcon (CA Species of Special Concern) breeding season is between February 1 and July 31. The disturbance buffer zone for the peregrine falcon is ¼ mile from an active nest. There is a history of active nests in the project area within ¼ and ½ mile from Cut Locations 2, 4, 5, and 6. Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if there are any active peregrine falcon nests in the project area. If the project is within ¼ mile of an active nest, then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.
- Osprey (CA Species of Special Concern) breeding season is between April 1 and August 15. Osprey typically nest along the shoreline within the project area. Prior to project activities, a CA State Park Wildlife Biologist will survey to determine if there are any active osprey nests in the project area. If the project is within ¼ mile of an active osprey nest then a qualified wildlife biologist will need to be present for observation during project activities to determine impacts to nesting birds. If nesting birds are disturbed by project activities, the CA State Park Wildlife Biologist, Ashli Lewis, will be contacted immediately and work be suspended until proper treatments are determined and implemented. Contact Ashli Lewis at (530) 414-4385, or by email at Ashli.Lewis@parks.ca.gov.

CULTURAL RESOURCES**Cultural Resource Protection Measures -**

- AT&T will adhere to all conditions described in the Archaeological Survey Report including archaeological monitoring of all earth disturbances of the Cut Locations and all Lake Tahoe/Emerald Bay potential

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substrate disturbances during the course of the excavation of the cables. If the project Archaeologist finds evidence of potentially significant historical/archaeological/tribal resources (human remains, Native American artifacts, shell, concentrations of bottle glass or ceramics, submerged boats/vessels/objects, and submerged tree trunks that could be indicative of the Mid-Holocene, etc.), then the CA State Park Archaeologist, Scott Green, will be contacted immediately and work be suspended until identification and proper treatment are determined and implemented. Contact Scott Green (530) 523-3527, or by email at Scott.Green@parks.ca.gov.

RECREATIONAL RESOURCES

Park Visitors -

- Project work is scheduled for spring which is typically still part of the off season for visitors to Emerald Bay and D. L. Bliss State Parks, and as a result, this project will likely not cause recreational impacts. Work is expected to take sixteen days (16) between March 27 and May 1, 2023. Therefore, all noise and interruptions to scenic views will be temporary. If work cannot be completed in this time window, AT&T will request, in writing, an extension of the ROE for October of 2023. At that time Parks will re-evaluate the need for additional condition measures, if needed, to accommodate the busier time of year. Visitor information methods such as signage and/or a press release may be required to inform visitors of the project.

Education and Outreach –

- To show support of this project, Parks would like the opportunity to take video and/or use social media to conduct educational outreach.

REHABILITATION AND RESTORATION

Erosion Control -

- Erosion control BMPs will be installed on a case-by-case basis and will be used if determined necessary by Parks.
- If erosion control BMPs are used, they will not contain any plastic.
- Seeding/revegetation is not needed for this project.

Boulder and Topography Repair –

- All substrate disturbed by excavation will be tamped to original compaction and grade.
- Boulders moved during the cable removal process will be returned to their original location.
- During excavation, soil, cobble, boulders, etc. will be segregated for returning to the excavation in the order that it was removed. Removed soil will be hand compacted back to original grade.

Equipment and Supplies -

- The plastic tarp used to protect the TYC plants at Cut Location 4 will be removed immediately following earthwork at that site.
- No tools, materials, equipment, or other items will remain on Park property unless in immediate use.

OTHER

- Parks officially requests that AT&T provide a map showing all locations of AT&T cable segments that will remain on CA State Park property (on land). Knowledge of the cable location may prevent accidental cable damage and subsequent lead contamination.
- AT&T will notify the Coast Guard prior to initiating work.
- AT&T will notify Parks of the work schedule, provide schedule updates as needed, and schedule a final walk through with Parks upon project completion.

CONTACT INFORMATION

CA Department of Parks and Recreation, Sierra District, P.O. Box 266, Tahoma, CA 96142 -

- Sierra District Environmental Coordinator - Silver Hartman, (530) 525-9533, Silver.Hartman@parks.ca.gov.
- CA State Park Water and Sewer Plant Supervisor - Graham Payne, (530) 205-5335, Graham.Payne@parks.ca.gov

- Case 2:21-cv-00073-JDP Document 33-1 Filed 06/02/23 Page 88 of 100
- Sierra District Wildlife Biologist - Ashli Lewis, (530) 414-4385, Ashli.Lewis@parks.ca.gov.
 - Sierra District Archaeologist - Scott Green, (530) 523-3527, Scott.Green@parks.ca.gov.

AT&T

- Area Manager Construction and Engineering – Torrey Denoo, (775) 544-9752, td1963@att.com.

R3X GROUP

- Project Manager, Senior Scientist/Environmental Planner – Sammy Rodriguez, (254) 723-0013, sammy@r3xgroup.com.

Project Contractor

- J.F. Brennan Company, Inc., - Lester Garrett, (206) 300-2945, 26108 Pioneer Way NW, Poulsbo, WA 98370, www.jfbrennan.com

Checklist D: New Project - Implementation *(continued)*

BMP #	Best Management Practice	Project Manager	Field Supervisor	Crew	Contractor	Completed	Comments
DURING							
Inspection & Cleaning							
TE2 & TE3	Inspect and clean soil and plant materials from tools, equipment, and vehicles before leaving the worksite.						
TE4	Clean pack, grazing and support animals.						
CB3	Clean clothing, footwear and gear before leaving the worksite.						
Project Materials							
PM1	Use a weed-free source for project materials.						
PM2	Prevent invasive plant contamination of project materials when stockpiling and during transport.						
Vegetation Management							
VM2	Manage vegetation with methods favorable to desirable vegetation.						
VM3	Retain existing desirable vegetation and canopy.						
Soil Disturbance							
SD1	Minimize soil disturbance.						
SD2	Implement erosion control practices.						
SD3	Manage existing topsoil and duff material to reduce contamination by invasive plants.						
Revegetation & Landscaping							
RL3	Revegetate and/or mulch disturbed soils as soon as possible to reduce likelihood of invasive plant establishment.						
Waste Disposal							
WD2	Render invasive plant material nonviable when keeping it on-site.						
WD3	When disposing of invasive plant materials off-site, contain it during transport.						
Monitoring							
PL11	Monitor the site for invasive plants after land management activities.						

Checklist E: Inspection & Cleaning

Clothing and Gear:

Check for soil, seeds, and plant material	Inspected	Cleaned
1. Hats		
2. Hoods		
3. Collars and cuffs		
4. Clothing folds or flaps		
5. Ventilation openings		
6. Pockets		
7. Zippers		
8. Straps or Velcro grips		
9. Belts or buckles		
10. Buttons, fasteners, and rivets		
11. Laces or ties		
12. Gloves		
13. Pant cuffs		
14. Socks		

Boots or Shoes:

Check for soil, seeds, and plant material	Inspected	Cleaned
1. Shoelaces or ties		
2. Straps or Velcro grips		
3. Shoe tongues		
4. Treads		

Hand and Power Tools:

Check for soil, seeds, and plant material	Inspected	Cleaned
1. Chainsaw chain		
2. Hand saw blades		
3. Mower deck and blades		
4. Weed-eater blades		
5. Crevices on other tools		

Hand and Power Tools:

Check for soil, seeds, and plant material	Inspected	Cleaned
1. Chainsaw chain and body		
2. Hand saw blades		
3. Mower deck and blades		
4. Weed-eater blades and guard		
5. Crevices on all other tools		

Checklist E: Inspection & Cleaning *(continued)*

Vehicles and Large Equipment (including ATVs, OHVs, motorcycles and bikes):

Check for soil, seeds, and plant material	Inspected	Cleaned
1. Truck bed		
2. Exhaust systems		
3. Vent openings		
4. Grills: Front and back		
5. Tray under radiator		
6. Top of transmission		
7. Stabilizer bar		
8. Shock absorber joint with axles		
9. Front and rear axles		
10. Top of front suspension units		
11. Wheel well/quarter panels		
12. Ledges under bumper (front and rear)		
13. Tire rims and treads		
14. Between rear wheel brake drums and the rim of the wheel		
15. At the bend in the fuel inlet tube		
16. Spare tire and mounting area		
17. Under the floor mat (inside cab)		
18. Under the seat (inside cab)		
19. Upholstery (inside cab)		
20. Beneath foot pedals (inside cab)		
21. Gear shift cover folds (inside cab)		

Livestock and Support Animals:

Check for soil, seeds, and plant material	Inspected	Cleaned
1. Underbelly		
2. Legs		
3. Hooves		
4. Coat or wool		
5. Ears		
6. Tack (saddles, blankets, panniers)		

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Silver Hartman

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Dan Canfield

Dan.Canfield@parks.ca.gov

District Sup.

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Alexandra Neeb

Alexandra.Neeb@parks.ca.gov

Supervisor, Cultural Resources Program

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Dan Youngren

dan.youngren@parks.ca.gov

SPS III

Sierra District

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Eeden Lee

Eeden.Lee@parks.ca.gov

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Graham Payne

Graham.Payne@parks.ca.gov

Water & Sewer Plant Sup

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Rich Adams

rich.adams@parks.ca.gov

Sr. Environmental Scientist Supervisory

Cal. Dept. of Parks&Rec., Sierra

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Ryan Marino

Ryan.Marino@parks.ca.gov

AGPA

California State Department of Parks and Recreation

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Sammy Rodriguez

sammy@r3xgroup.com

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Scott Elliott

Scott.Elliott@parks.ca.gov

Dep Chief LEESD

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Scott Green

Scott.Green@parks.ca.gov

District Archeologist/Tribal Liaison

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Tim Reynolds

Tim.Reynolds@parks.ca.gov

PMCI

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Carolina Flores

Carolina.Flores@parks.ca.gov

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- ii. send us an e-mail to marlene.sheufelt@parks.ca.gov and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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EXHIBIT C



May 23, 2023

CA Department of Parks and Recreation
Sierra District c/o Silver Hartman
P.O. Box 266
Tahoma, CA 96142-0266
(530) 525-7232

Sent via email to: silver.hartman@parks.ca.gov

Re: Request for Extension to Right of Entry Schedule
AT&T Project A020LET
Lake Tahoe Cable Removal
South Lake Tahoe, El Dorado County, CA

Ms. Hartman,

Thank you for your assistance with the above-referenced project. As you know, the Right of Entry Permit issued by the California Department of Parks and Recreation (State Parks) to AT&T Corporation (AT&T) on March 24, 2023, requires that AT&T submit a written request for an extension to Right of Entry (ROE) if the removal does not occur before May 26, 2023. This letter serves as AT&T's written request for such an extension.

As background, following issuance of the Right of Entry Permit from State Parks, AT&T was still waiting for approvals from other agencies that were necessary to perform the cable removal. AT&T secured the final approval for that work on April 28, 2023. Shortly thereafter, AT&T's contractor began taking steps to begin the removal but was unable to secure adequate space at Tahoe Keys Marina on a schedule that would allow the work to be completed by May 26, 2023. AT&T is therefore requesting an extension to perform the work in the fall of 2023, which we understand is the next available date range to perform work.

AT&T's contractor is currently in coordination with Tahoe Keys Marina to secure adequate space and access to begin the cable removal in the fall of 2023. AT&T would prefer to begin the removal work beginning on approximately September 6, 2023, and ending no later than October 31, 2023. Tahoe Marina Keys recently indicated it would be able to accommodate this schedule. In the event State Parks and the other permitting agencies have no objections, AT&T's contractor will secure a written lease with Tahoe Keys Marina to ensure the work can be completed within that window.



Should you have any questions or would like to discuss the project in further detail, you may reach me at (254) 723-0013, or sammy@r3xgroup.com.

Sincerely,

R3X Group, Inc.

A handwritten signature in black ink that reads "Sammy Rodriguez".

Sammy Rodriguez
Senior Scientist